

**City of Fountain Valley City Council
And
Agency for Community Development
Minutes
August 18, 2009**

CALL TO ORDER

Mayor Carrozzo called the Fountain Valley Council meeting to order at 7:05 p.m.

CLOSED SESSION REPORT

City Attorney Alan R. Burns reported that the City Council met in closed session at 6:30 p.m, pursuant to Government Code Section 54957.6 to provide direction to the City's negotiating team of Ray Kromer, Jean Hirai, Matt Mogensen and Paul Sorrell regarding labor relations with reference to the Police Officers Association representatives David Swim, Eric Orahoad and Rob Sweaza; and to provide review and discussion of the City Manager's performance evaluation and compensation pursuant to Government Code Section 54957 and 54957.6.

INVOCATION

Rabbi Stephen Einstein gave the invocation.

SALUTE TO THE FLAG

Council Member Steve Nagel gave the salute to the flag of the United States.

ROLL CALL

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

ANNOUNCEMENT OF LATE COMMUNICATIONS

Kathy Heard, Deputy City Clerk stated that the following late communications were received and distributed to Council, staff and made available to the public:

- Corrections were made to the agenda on pages 3, 5 and 6 noting reports will be made by staff on agenda item #1, #20 and #21
- Corrections were made to consent calendar item #17, page 157 noting the city attorney has both reviewed and approved the item
- Corrections were made to agenda item #20 page 221, 224, and 226
- Addition of an exhibit being a copy of Planning Resolution 09-41 to Administrative Item #20
- Memo from the city attorney regarding recitals on agenda item #20
- Correspondence to the council regarding the T-Mobile Lease dollar amount

- Copy of section 326.6 of the Penal code with reference to item #3 Introduction of an Ordinance amending prize amounts for bingo games
- Correspondence from the city manger referencing item #19 on the agenda

APPROVAL OF MINUTES

(Council/Agency) Consideration of approval of the minutes of the City Council/Agency for Community Development meeting held on July 21, 2009 and the Special Meeting held on July 28, 2009 as distributed.

- ***Motion by Mayor Pro Tem Crandall, second by Council Member Nagel to approve the minutes of the Council/Agency meeting held on July 21, 2009 and the Special Council Meeting held on July 28, 2009 as distributed***

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

PRESENTATIONS

There are no presentations scheduled for this meeting.

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

NOES: None

Motion Carried

PUBLIC HEARINGS

1. (Council) A Public Hearing To Adopt A Resolution To Amend The Building Department's Portion Of The City's Fee Schedule As It Pertains To Specified Electrical And Plumbing Installations And Modifications.

RESOLUTION 9218 A Resolution of the City Council of the City of Fountain Valley Amending the Fountain Valley Fee Schedule Regarding Electrical and Plumbing Fees

Adria Paesani, Deputy Fire Marshall summarized information included in the staff report which was made part of the agenda packet. Ms. Paesani stated that the resolution before the Council was being presented to fix minor changes to the Building Department's portion of the City Fee Schedule by adding a plumbing fixture fee and an electrical panel fee.

Mayor Carrozzo opened the public hearing, and then closed the public hearing having no requests to speak on this matter.

- ***Motion by Council Member Collins, second by Council Member Nagel to approve Resolution 9218, A Resolution of the City Council of the City of Fountain Valley Amending the Fountain Valley Fee Schedule Regarding Electrical and Plumbing Fees***

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

Motion Carried

INTRODUCTION OF AN ORDINANCE

2. (Council) Introduction of proposed ordinances amending the City's massage establishment and massage technician chapters of the Fountain Valley Municipal Code and passage to a second reading for adoption.

Alan R. Burns, City Attorney gave a brief description of the information provided in the staff report which was submitted to the council in the agenda packet. He stated that the new legislation takes away some of the City's authority to regulate massage technicians and establishments. He also stated that the new legislation states that the City cannot have any plumbing requirements that we do not apply to any other professional or personal service business however, we retain the right to regulate zoning, business licensing and health and safety standards with some exceptions as noted in the new legislation. There were questions from Council referencing fees and permits with regard to the new legislation.

An Ordinance of the Fountain Valley City Council Amending the City's Massage Technician Laws

- ***Motion by Council Member Collins, second by Council Member Brothers to approve the proposed ordinance of the Fountain Valley City Council amending the City's Massage Technician Laws***

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

Motion Carried

An Ordinance of the Fountain Valley City Council Amending the City's Massage Establishment Provisions

- ***Motion by Council Member Nagel, second by Mayor Pro Tem Crandall to approve the proposed ordinance of the Fountain Valley City Council amending the City's Massage Establishment Provisions***

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

Motion Carried

3. (Council) Introduction of a proposed ordinance revising the Fountain Valley Municipal Code amending the prize amounts for bingo games and passage to a second reading for adoption.

Alan R. Burns, City Attorney gave a brief account of the information provided to Council in the agenda packet. He stated that the proposed ordinance would increase the amount that can be paid for an individual bingo game from the previous \$250 per game to \$500 per game thereby making the maximum prize the same as the established in state law.

An Ordinance Of The City Council Of The City Of Fountain Valley Amending The Prize Amounts For Bingo Games

- ***Motion by Council Member Collins, second by Council Member Nagel to approve the introduction of an ordinance of the City Council of the City of Fountain Valley amending the prize amounts for bingo games and passage to a second reading for adoption***

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

ADOPTION OF AN ORDINANCE

4. (Council) **ORDINANCE NO. 1432** An Ordinance of the Fountain Valley City Council Amending the Provisions Pertaining to Density Bonuses

- ***Motion by Council Member Collins, second by Mayor Pro Tem Crandall to adopt Ordinance No. 1432, an ordinance of the Fountain Valley City Council amending the provisions pertaining to density bonuses***

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

5. (Council) **ORDINANCE NO. 1433** An Ordinance of the Fountain Valley City Council Amending the Fountain Valley Municipal Code Regarding the Curfew in City Parks

- ***Motion by Council Member Collins, second by Council Member Brothers to adopt Ordinance No. 1433, and ordinance of the Fountain Valley City Council amending the Fountain Valley Municipal Code regarding curfews in City parks***

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

6. (Council) **ORDINANCE NO. 1434** An Urgency 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 and the City to Provide Section 20903, Two Years Additional Service Credit for Employees

- **Motion by Mayor Pro Tem Crandall second by Council Member Nagel to adopt Urgency Ordinance No. 1434, an Urgency 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 and the City to provide Section 20903 two years additional service credit for employees**

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

CONSENT CALENDAR

Action: If desired, motion to approve Council Items 7 through 19.

Item #19 of the Consent Calendar was pulled by Council Member Nagel for further discussion.

7. (Council) Approve A Resolution To Accept Office Of Traffic Safety Selective Traffic Enforcement Program Grant Money To Reimburse For (1) Total Station, (1) Computer Work Station, (8) Preliminary Alcohol Screening Devices And Overtime Costs To Staff Selective Traffic Enforcement Between October 1, 2009 Through September 30, 2010 And Amend The General Fund Budget In The Amount Of \$87,264.

RESOLUTION NO. 9219 A Resolution Of The City Of Fountain Valley City Council To Accept Office Of Traffic Safety Selective Traffic Enforcement Program Grant Money To Reimburse For (1) Total Station, (1) Computer Work Station, (8) Preliminary Alcohol Screening Devices And Overtime Costs To Staff Selective Traffic Enforcement Between October 1, 2009 Through September 30, 2010 And Amend The General Fund Budget In The Amount Of \$87,264

8. (Council) Adoption of a resolution to approve changing City Hall business hours.

RESOLUTION NO. 9221 A Resolution of the City Council of the City of Fountain Valley Providing for Changed City Hall Business Hours

9. (Council) Adoption of a resolution of the Fountain Valley City Council authorizing the application to the California Integrated Waste Management Board for their Fifteenth Cycle Used Oil Recycling Block Grant.

RESOLUTION NO. 9222 A Resolution of the Fountain Valley City Council Authorizing the Application to the California Integrated Waste Management Board for their Fifteenth Cycle Used Oil Recycling Block Grant

10. (Council/Agency) Approval Of Amendment No. 2 In An Amount Not To Exceed \$77,335.20 To Butier Construction Managers, Consulting Engineers, Contract No. 08-15 For Construction Management Services Related To The Rehabilitation Of Well No. 6, Project No. WU703.

11. (Council/Agency) Approval of the Affordable Housing Loan Subordination Policy.

12. (Council) Approval of a revised City Council Policy titled **City Council Agenda Packet Delivery** thereby incorporating current procedures.
13. (Council) Acceptance of a proposal and award of a contract for citywide traffic signal and coordination timing on-call and maintenance services to Albert Grover and Associates in an amount not to exceed \$25,000.
14. (Council) Approval of the 2009-2010 school year contract with All City Management Services in the amount of \$159,406 to provide crossing guard services for the school year.
15. (Council) Amendment of the Gas Tax Fund (FUND 23) Budget for FY 2009-22010 in the amount of \$11,307.60 to fund the City of Fountain Valley's share of the City of Huntington Beach's Garfield Avenue pavement rehabilitation project, Project No. GT 410.
16. (Agency) Award of contract to Phil Martin & Associates, Inc. to provide environmental services for the proposed Euclid/Slater intersection improvements and budget amendment in the amount of \$48,800.
17. (Council) Approval to award a purchase order to Huntington Beach Honda in the amount of \$54,694 for the purchase of two police equipped Honda motorcycles and authorization to dispose of surplus motorcycles in a manner that best meets the city's needs.
18. (Council) Approval of park license agreements between the City of Fountain Valley and Southern California Edison Company for Courreges, Fulton, and Fulton North Parks.

- **Motion by Council Member Collins second by Mayor Pro Tem Crandall to approve Council Items 7 through 18 with the changes made to Item #17 in the late communication.**

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

19. (Council) Acceptance of easements for pedestrian purposes as a separate instrument located at 18111 Brookhurst Street (Orange Coast Memorial Medical Center).

Council Member Nagel and Mayor Pro Tem Crandall both abstained from voting on this item due to a potential conflict of interest on the issue.

- **Motion by Council Member Collins second by Council Member Brothers to approve Council Item 19**

AYES: Collins, Brothers, Carrozzo

ABSTAIN: Crandall, Nagel

Motion Carried

ADMINISTRATIVE ITEMS

- 20.(Council) Adoption of a resolution directing staff to file an application and requesting the Local Agency Formation Commission of Orange County (LAFCO) to take proceedings for the annexation of approximately 6.48 acres of property within its sphere of influence in an area commonly known as the South County Island (Annexation No. IA 09-16) and adoption of a resolution approving a property tax exchange agreement between the City of Fountain Valley and the County of Orange.

RESOLUTION NO. 9223 A Resolution of the City Council of the City of Fountain Valley Making Application to and Requesting the Local Agency Formation Commission of Orange County to take Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government reorganization Act of 2000 for the City of Fountain Valley to Annex Approximately 6.48 Acres of Property Within Its Sphere of Influence, and File Annexation No. IA 09-16 (South Island Annexation to the City of Fountain Valley)

Andy Perea, Planning Director gave a brief accounting of the information provided to Council in the agenda packet. Mr. Perea stated there were two resolutions submitted to council for adoption. The first resolution was submitted to Council to direct staff to file an application to the Orange County Local Agency Formation Commission (LAFCO) to commence annexation proceedings for approximately ten (10) acres of unincorporated County land on Harbor Boulevard referred to as South County Island. The second resolution submitted for consideration is to approve a property tax share agreement between the City of Fountain Valley and the County of Orange for the proposed area to be annexed into the City of Fountain Valley.

- ***Motion by Mayor Pro Tem Crandall, second by Council Member Collins to approve Resolution No. 9223, a resolution directing staff to file an application and requesting the Local Agency Formation Commission of Orange County (LAFCO) to take proceedings for the annexation of approximately 6.48 acres of property within its sphere of influence in an area commonly known as the South County Island (Annexation No. IA 09-16) and adoption of a resolution approving a property tax exchange agreement between the City of Fountain Valley and the County of Orange to include the updated resolution language included in the late communications***

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

RESOLUTION NO. 9224 A Resolution of the City Council of the City of Fountain Valley Approving a Property Tax Exchange Agreement between the City of Fountain Valley and the County of Orange Regarding Annexation No. IA 09-16 (South Island annexation to the City of Fountain Valley)

- **Motion by Council Member Brothers, second by Council Member Collins to adopt Resolution 9224 approving a property tax exchange agreement between the City of Fountain Valley and the County of Orange regarding Annexation No. IA-16 (South Island Annexation to the City of Fountain Valley)**

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

21. (Council) Approval of lease agreement between T-Mobile and the City for the triangle property bound by Edinger Avenue, Richardson Street, and Lilac Avenue – the site of Well No. 8.

Mark Lewis, Public Works Director/City Engineer gave a brief report outlining the material submitted to Council in the agenda packet noting that the terms of the T-Mobile lease would provide monthly revenue to the City of \$2,000 with an annual escalation of 3.5 percent as well as a one-time initial payment of \$7,500 for consideration of the lease. He also noted that the project was approved by the Planning Commission at their regular meeting of August 12, 2009. Mr. Lewis also stated that Kelly Cross of Sequoia Development Services a representative on behalf of T-Mobile was available to the Council to answer any questions they might have.

Questions and comments ensued by Council regarding the possibility of further negotiations with reference to the amount of the revenue provided to the City by T-Mobile and with the addition of the recitals submitted by the City to the lease agreement.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Collins to approve the lease agreement between T-Mobile and the City of Fountain Valley for the triangle property bound by Edinger Avenue, Richardson Street and Lilac Avenue, the site of Well No. 8 with the stipulation to include the recitals submitted in the late communications materials**

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

PRESENTATION OF DEMANDS

(Council) Ratification of Payroll:

Payroll Checks and Direct Deposit Vouchers as listed in the report.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Nagel 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

NOES: None

Motion Carried

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

- ***Motion by Mayor Pro Tem Crandall, second by Council Member Collins 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

NOES: None

Motion Carried

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

- ***Motion by Mayor Pro Tem Crandall second by Council Member Nagel to approve the Agency Register of Demands electronic bank transfers as listed in the report provided by the Finance Director/City Treasurer by the following roll call vote:***

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

Motion Carried

PUBLIC APPEARANCES – ORAL COMMUNICATIONS (Unscheduled Matters Only)

Reyna Reynoso, Public Affairs Manager for Southern California Gas Company, introduced herself to Council as the new Fountain Valley contact person.

COUNCIL/AGENCY COMMENTS (Outside Committee Activities, AB1234 Reporting and General Comments)

Mayor Pro Tem Crandall stated his attendance at the CASA Annual Conference in San Diego, noting the presentation he attended on the Terminal Island Renewable Energy (T.I.R.E.) Program.

Council Member Nagel announced that he had attended the Fountain Valley Community Foundation meeting noting positive results received on the Summerfest program, along with his attendance at the Water Advisory Committee meeting on August 7, 2009.

Council Member Brothers discussed her conference call with the Executive Board of the Orange County League of California Cities stating new and developing issues with the County's Redevelopment Agency relating to blight.

Council Member Collins announced his attendance at the July 29, 2009 Orange County Transportation Association's Central Corridor Committee meeting about the 57 Extension Project. He then stated he had attended the August 5, 2009 Water Stakeholder's meeting to discuss the AB1881 Landscape Water Conservation Act; August 7, 2009 he attended the Water Advisory Committee of Orange County; and lastly, his attendance at the State Water Taskforce meeting on August 17, 2009.

ADJOURNMENT

Mayor Carrozzo adjourned the City of Fountain Valley City Council and Agency for Community Development meeting at 8:15 p.m. in memory of Don Beck to the next scheduled meeting of September 15, 2009 then reconvened to the Closed Session discussion on the topic of the Police Officers Association (POA) labor relations.

City Attorney, Alan R. Burns stated that the Closed Session adjourned at 8:20 pm with a report of *"no final action taken"*.

Guy Carrozzo, Mayor/Agency Chair

Kathy Heard, Deputy City Clerk/Agency Secretary