



**City of Fountain Valley City Council  
And  
Agency for Community Development  
Minutes  
October 20, 2009**

**CALL TO ORDER**

Mayor Carrozzo called the Fountain Valley Council meeting to order at 7:04 p.m.

**INVOCATION**

Reverend Doctor John McFarland gave the invocation.

**SALUTE TO THE FLAG**

Mayor Carrozzo 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:** Management Analyst Matt Mogensen, Community Services Manager Mark Nix, Senior Civil Engineer Temo Galvez, Planning and Building Director Andy Perea, Fire Chief Bill Walker, Battalion Chief Randy Anno, Information Systems Manager Lee Pratt, Personnel Manager Jean Hirai, Police Chief Paul Sorrell, Deputy Fire Marshall Adria Paesani, Management Analyst Jeannie Heimberger and Finance Director/City Treasurer Liz Fox

**ANNOUNCEMENT OF LATE COMMUNICATIONS**

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

- Late communication from the City Attorney regarding public convenience or necessity with reference to Administrative item #15.
- Corrections made to the agenda on page 2, under Presentations, changing the name of the ambassador making the announcement for the Second Harvest Food Bank and the deletion of the recipient of the Disability Friendly Business Award that will now be accepted by the recipient during the November 3, 2009 Council meeting.
- Changes made to staff report on Consent Calendar Item #3, page 25, under Attorney Review stating that the City Attorney has reviewed and approved the resolution.

- Changes made to the staff report on Consent Calendar Item #10, page 185, with the additional wording in paragraph one regarding negotiations with the vendor on the support pricing and the addition of a full copy of the DataNet Solutions Software Maintenance Agreement for approval.
- Changes made to the staff report on Consent Calendar Item #13, page 283 under Attorney Review stating the action will be issued on a City approved purchase order form that provides standard terms and conditions previously approved by the City Attorney.
- Changes made to the staff report on Administrative Item #15, page 291 defining the acronym PCN as Public Convenience or Necessity and page 294 under City Attorney review not being required for the determination of a PCN with the addition of an amended liquor license map referencing the adjacent census track.

## APPROVAL OF MINUTES

**(Council/Agency)** Consideration of approval of the minutes of the City Council/Agency for Community Development meeting held on September 15, 2009 as distributed.

- *Motion by Council Member Brothers, second by Council Member Nagel to approve the minutes of the City Council/Agency for Community Development meeting held on September 15, 2009 as distributed.*

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

***Motion Carried***

## PRESENTATIONS

- Paul Osgood, ambassador for the Second Harvest Food Bank, gave a brief announcement of the upcoming food drive "Scouting for Food Week" (November 7-14) for the Second Harvest Food Bank sponsored by the Orange County Council of Boy and Girl Scouts of America.
- Mayor Carrozzo and Council Member Collins presented Sally Brown of Sam's Club with the *Inspirational Award* as part of the 2009 Disability Friendly Business Awards.

## READING OF ORDINANCES

- *Motion by Council Member Collins, second by Council Member Brothers 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) Continuation of a public hearing regarding the introduction of an ordinance by the City of Fountain Valley City Council repealing and reenacting Chapter 8.16 and adding Section 18.33.060 to the Fountain Valley Municipal Code pertaining to swimming pools and passage to a second reading for adoption.

### **An Ordinance of the Fountain Valley City Council Repealing and Reenacting Chapter 8.16 and adding Section 18.33.060 to the Fountain Valley Municipal Code pertaining to Swimming Pools**

Adria Paesani, Deputy Fire Marshall stated that the proposed ordinance was brought back at the request of Council from the September 15, 2009 meeting to address the definition of the word "remodel" that was omitted from the first draft of the proposed ordinance. Ms. Paesani read the definition of the word "remodel" as it pertains to the proposed ordinance.

Questions ensued by Council regarding the clarification of the word remodel under certain circumstances and the fence requirements referencing the intermediate bars meeting the requirements of the ordinance.

- *Motion by Council Member Collins, second by Council Member Brothers to approve the introduction of an ordinance of the City of Fountain Valley City Council repealing and reenacting Chapter 8.16 and adding Section 18.33.060 to the Fountain Valley Municipal Code pertaining to swimming pools and passage to a second reading for adoption.*

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

***Motion Carried***

2. (Council) Introduction of an ordinance of the Fountain Valley City Council eliminating the Community Services Commission, Traffic Advisory Committee and other related changes and passage to a second reading for adoption.

### **An Ordinance of the Fountain Valley City Council Abolishing the Community Services Commission and the Traffic Advisory Committee and Making Related Changes**

Management Analyst Matt Mogensen summarized the information included in the staff report that was provided to the Council in the agenda packet.

Mayor Carrozzo opened the public hearing.

Barbara Montz of 18399 Los Canarios, Fountain Valley, CA voiced her disappointment regarding the termination of the Community Services Commission.

Mayor Carrozzo closed the public hearing.

- *Motion by Council Member Brothers, second by Council Member Nagel to approve the introduction of an ordinance of the City of Fountain Valley City Council Abolishing the Community Services Commission and the Traffic Advisory Committee and Making Related Changes*

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

**Motion Carried**

Suggestions were made by council members regarding alternatives to the committees that are being abolished such as Ad Hoc committees and the possible re-establishment of the committee in the future, if need be.

## CONSENT CALENDAR

**Action: *If desired, motion to approve Council Items 3 through 14.***

3. (Council) Adoption of a resolution of the Fountain Valley City Council authorizing the acceptance and appropriation of reimbursement grant funds from the 2007 Urban Area Security Initiative for the purchase of Urban Search and Rescue equipment, and amendment of the 2009-10 Operating Budget in the amount of \$3,000.

**Resolution No. 9227 A Resolution of the City Council of the City of Fountain Valley to Designate Signature authority for Acceptance of Grant Funds from the 2007 Urban Area Security Initiative**

4. (Council) Adoption of a resolution of the City of Fountain Valley City Council affirming support for the co-equal goals of the Delta Vision and the Bay Delta Conservation Plan Process.

**Resolution No. 9228 A Resolution of the City of Fountain Valley City Council in Support of Governmental Action to Restore California's Delta and Provide a Reliable Water Supply**

5. (Council) Approval of a resolution of the City of Fountain Valley City Council relating to the classification and compensation plan for part-time and hourly employees of the City and superseding all provisions contained in Resolution No. 9205, which pertains to part-time and hourly employees and Workers' Compensation coverage for volunteers.

**Resolution No. 9230 A Resolution of the Fountain Valley City Council Relating to the Classification and Compensation Plan for Part-time Employees of the City and Superseding all Provisions Contained in Resolution No. 9205 Which Pertain to Part-time Employees and Workers' Compensation Coverage for Volunteers**

6. (Council) Authorization to renew an agreement for a Broker of Record with Wells Fargo Insurance Services to provide consulting services in regard to the City's group dental, life and long-term disability insurance, the employee assistance program and other benefit programs as required by the City.

7. (Council) Authorization to renew the agreement with Memorial Prompt Care, a qualified licensed medical care facility, to conduct pre-employment physical examinations, miscellaneous physical examinations, testing, and to provide industrial injury (Worker's Compensation) medical care and other treatment for City employees.
  8. (Council) Approval of an agreement to transfer funds for the FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program.
  9. (Council) Approval of the City of Fountain Valley Fiscal Year 2009/2010 State of Investment Policy.
  10. (Council) Approval to enter into a one-year service agreement with DataNet Solutions, Inc., for maintenance support and upgrades of the Laserfiche Document Imaging Program in the amount of \$41,973.35.
  11. (Council)
    - 1) Acceptance of bids and award of a contract in the amount of \$191,106 to Christopher R. Morales, Inc., for project construction, Project TI 963; and
    - 2) Acceptance of a proposal and award of a contract in the amount of \$611,585 to Iteris for project integration, equipment procurement, and construction engineering services for the Intelligent Transportation Systems (ITS) Elements and Video Detection System (VDS) Upgrade, Project No. TI 963.
  12. (Council) Acceptance of an easement for street purposes as separate instruments located at 15872 Harbor Boulevard (Harbor Education Center).
  13. (Council) Approval to award a purchase order to D'Angelo Co. in the amount of \$154,425 for the purchase of 200 fire hydrants.
  14. (Council) Renewal of data processing equipment and services agreement with the City of West Covina for police records management, computer aided dispatch and mobile data computers in the amount of \$91,200.
- *Motion by Council Member Collins second by Council Member Nagel to approve Consent Calendar items 3 through 14 as presented.*

AYES: Nagel, Crandall, Collins, Brothers, Carrozzo

NOES: None

**Motion Carried**

## ADMINISTRATIVE ITEMS

15. (Council) Determination of public convenience or necessity for the issuance of a Type 20 Off-Sale Liquor License for BP, West Coast Products located at 18480 Brookhurst Street.

Planning Director Andy Perea gave a brief report of the information that was provided in the staff report stating that WD Partners has submitted a request on behalf of BP, West Coast Products for the off-sale liquor sales at the proposed AM/PM convenience store and Arco gas station located at 18480 Brookhurst Street and the Planning Commission approval was subject to the City Council approval of a finding of Public Convenience and Necessity.

Alex Gurski, 16808 Armstrong Avenue, #100, Irvine CA, 92606, representing BP, West Coast Products provided a presentation to the council on the determination of the public convenience/necessity for the issuance of the Type-20 off-sale liquor license for BP, West Coast Products located at 18480 Brookhurst St., Fountain Valley, CA

Questions and comments ensued by council concerning traffic issues, safety and the determination of convenience and necessity to the public.

Leslie Montz of 18399 Los Canarios, Fountain Valley, CA voiced her opinion on the issuance of a liquor license to the applicant.

- *Motion by Council Member Brothers, second by Council Member Nagel to approve the determination of public convenience and/or necessity for the issuance of a Type 20 Off-Sale Liquor License for BP, West Coast Products located at 18480 Brookhurst Street.*

AYES: Nagel, Crandall, Collins, Brothers

NOES: Carrozzo

**Motion Carried**

16. (Council) A resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.

**Resolution No. 9229 A Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection therewith**

Finance Director Elizabeth Fox gave a brief description of the above referenced item that was submitted to council in the agenda packet stating the city will be required to lend a portion of its property tax revenues to the State with the promise to repay in three years. As part of the State budget package, local governments have the opportunity to receive the monies up-front, through securitization financing offered by California Communities, a joint powers authority sponsored by the League of California Cities and the California State Association of Counties.

Questions and comments ensued by Council regarding the fundamentals of the agreement.

- *Motion by Mayor Pro Tem Crandall second by Council Member Brothers to approve Resolution No. 9229 approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.*

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 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

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 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

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 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**

## **PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only) (Speakers Must Limit Remarks to Five Minutes)**

Lory Merk of 17810 Apricot Circle, Fountain Valley, CA voiced her concerns on the changing atmosphere at the Aysya Restaurant located within the City.

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

Mayor Pro Tem Crandall reported his intention of attending the Sanitary District study session meeting the next evening. He also reported on discussions regarding the Central Corridor Master Plan; and his announcement of a new business in town named "From the Heart Modeling".

Council Member Nagel announced his attendance at the WACO meeting with the Water District, the Community Foundation meeting, his intention of attending a three-day conference sponsored by the JPIA in San Francisco; and lastly his attendance at the OCWD laboratory dedication.

Council Member Collins announced his attendance at the Santa Ana River Flood Protection Agency Executive Committee meeting; Water Task Force State Agency meeting on October 12<sup>th</sup>; his attendance at the OCWD laboratory dedication; his attendance at the October 10<sup>th</sup> Fire Department Open House and lastly his attendance at the WACO meeting.

Council Member Brothers announced that Orange County Vector Control put together a pilot program for rat control services. She also noted her attendance at the National Association of Telecommunications Officers and Advisors Conference (NATOA),

Mayor Carrozzo announced his attendance at the Fountain Valley Fire Department Open House, the OCWD laboratory dedication, and his presentation of two proclamations to the Fresh N Easy for their donations of food to the Path of Hope to help feed the needy.

#### **ADJOURNMENT**

Mayor Carrozzo adjourned the City of Fountain Valley City Council and Agency for Community Development meeting at 8:23 p.m. in memory of Patricia Harney, Manuel Calderon and Mark Carfi to the next scheduled meeting of November 3, 2009.

  
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Mayor Guy Carrozzo

  
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Kathy Heard, Deputy City Clerk/Agency Secretary