

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

January 18, 2011

MINUTES

SPECIAL MEETING (CITY COUNCIL)

CALLED TO ORDER: 4:32 P.M.

ROLL CALL: Mayor Pro Tem Collins, Council Member Crandall, Council Member McCurdy, Council Member Vo, Mayor Nagel: **ALL PRESENT**

Continuation of Committee, Commission, and Board interviews

STUDY SESSION 5:00 P.M.

Brian Jewett of TischlerBise gave a presentation to the City on the proposed water budget based rate structure. Mr. Jewett gave an overview of Fountain Valley water supply constraints and related cost increases and explained the water budget structure. He noted that the proposed structure would send strong price signals to customers that water reduction is essential. Following the presentation, Council discussion ensued. Public Works Director Mark Lewis was asked to survey several cities regarding the administrative costs in implementing the proposed structure. Council Members expressed interest in the structure as a means to achieve water conservation in the City.

REGULAR ADJOURNED MEETING

CALLED TO ORDER 6:00 P.M.

INVOCATION

Pastor Karl Vaters of Cornerstone Christian Fellowship Church gave the invocation

SALUTE TO THE FLAG

Council Member Michael Vo led the salute to the flag of the United States

ROLL CALL

Mayor Pro Tem/Agency Vice-Chair Collins, Council/Agency Member Crandall, Council/Agency Member McCurdy, Council/Agency Member Vo, Mayor/Agency Chair Nagel: **ALL PRESENT**

STAFF PRESENT

Planning/Building Director Andy Perea, Public Works Director/City Engineer Mark Lewis, Personnel Manager Jean Hirai, Chief of Police Paul Sorrell, Fire Chief Bill

Walker, Community Services Manager Mark Nix, Finance Director Sherri Holman, City Attorney Alan Burns, City Manager Ray Kromer, Deputy City Clerk Kathy Heard, and City Clerk Pat Healy

ANNOUNCEMENT OF LATE COMMUNICATIONS

None

APPROVAL OF MINUTES

(Council/Agency) Consideration of approval of the minutes of the City Council/Agency for Community Development meeting held on December 21, 2010 as distributed.

Motion by Mayor Pro Tem/Agency Vice-Chair Collins, seconded by Council/Agency Member Crandall to approve the minutes of the City Council/Agency for Community Development meeting held on December 21, 2010, was adopted by the following vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

PRESENTATIONS

- Mayor Nagel presented a Certificate of Recognition to Carla Cammack recipient of the Komen Warrior Award (award accepted by Robert Cammack), and Robert Cammack, recipient of the Komen Volunteer of the Year Award from the Orange County Affiliate of Susan G. Komen for the Cure.

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS -- (Scheduled Matters Only)

No public comments on items on the Agenda

READING OF ORDINANCES

Motion by Council/Agency Member Crandall, seconded by Mayor Pro Tem/Agency Vice-Chair Collins to waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only, was adopted by the following vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

PUBLIC HEARINGS

1. **(Council)** A public hearing to consider Code Amendment No. 09-07(A) to permit emergency shelters and single room occupancies (SRO's) in the C-2 "General Commercial" Zone and to provide development standards for emergency shelters and SRO's

City Planner Steven Ayers provided Council with a brief explanation of the materials provided to the Council in the agenda packets.

Mayor/Agency Chair Nagel opened the public hearing. Hearing no one wishing to speak on this matter, Mayor/Agency Chair Nagel closed the public hearing.

ORDINANCE NO. 1460 An Ordinance Of The Fountain Valley City Council Approving Code Amendment No. 09-07(A) Amending The Fountain Valley Municipal Code Regarding Emergency Shelters And Single Room Occupancies (SRO's) (First Reading)

Motion by Mayor Pro Tem/Agency Vice-Chair Collins, seconded by Council/Agency Member Vo to place Ordinance No. 1460 on first reading and continue to a second reading for final adoption, was approved by the following vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

2. ***(Council)*** A public hearing to consider Code Amendment No. 09-07(B) and General Plan Amendment No. 10-03 to increase the maximum density in the R-4 "High Density Residential" Zone to 30 dwelling units per acre (DU/AC)

City Planner Steven Ayers provided Council with a brief explanation of the materials provided to the Council in the agenda packets.

Mayor/Agency Chair Nagel opened the public hearing. Hearing no one wishing to speak on this matter, Mayor/Agency Chair Nagel closed the public hearing.

RESOLUTION NO. 9293 A Resolution of the Fountain Valley City Council Amending the Fountain Valley General Plan (General Plan Amendment No. 10-03) To Increase the Maximum Density in the R-4 "High Density Residential" Zone to 30 Dwelling Units Per Acre (DU/AC)

Motion by Council/Agency Member Crandall, seconded by Mayor Pro Tem/Agency Vice-Chair Collins to adopt Resolution No. 9293, was adopted by the following vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

ORDINANCE NO. 1461 An Ordinance of the Fountain Valley City Council Approving Code Amendment No. 09-07(B) Amending the Fountain Valley Municipal Code Section 21.08.040 Table 2-3 to Increase the Maximum Density in the R-4 "High Density Multiple Dwelling" Zone to 30 Dwelling Units Per Acre (DUAC) (First Reading)

Motion by Council/Agency Member Crandall, seconded by Council/Agency Member McCurdy to place Ordinance No. 1461 on first reading and continue to a second reading for final adoption, was approved by the following vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

ORDINANCE FOR ADOPTION

- 3. ORDINANCE NO. 1459** An Ordinance of the Fountain Valley City Council Approving Code Amendment No. 10-03 Amending Fountain Valley Municipal Code Section 21.08.040 Table 2-3 to Eliminate the Minimum Project Area of 5 Acres from the GH Zoning District (*Second Reading*)

Motion by Mayor Pro Tem/Agency Vice-Chair Collins, seconded by Council/Agency Member Vo to adopt Ordinance No. 1459, was adopted by the following vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

CONSENT CALENDAR

- Council/Agency Member Crandall pulled Item No. 4 for separate discussion
 - Council/Agency Member McCurdy stated that he would abstain from voting on Item No. 5 due to a potential conflict of interest, since the project is in close proximity to his residence.
- 4. (Council)** Memorializing the sale of the City owned property located at 11913 Heil Avenue.
- 5. (Council)** Award of a contract to Phil Martin and Associates, Inc to provide planning and environmental services for a proposed residential hotel and retail development at the former SAFECO insurance building located at 17570 Brookhurst Street.
- 6. (Council)** Award of a contract to RBF Consulting to provided environmental services for the proposed Hyundai Motor America Corporate Campus Project located at 10550 Talbert Avenue.
- 7. (Council)** Approval of the annual software maintenance support agreement with Tyler Technologies for the Incode software in the amount of \$27,607.41.
- 8. (Council)** Approval of City Council Policy on City Council compensation and benefits.

Motion by Mayor Pro Tem Collins, Seconded by Council/Agency Member Crandall to approve Consent Calendar Items Nos. 6 through 8, was adopted by the following vote:

**Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)
Noes: None (0)**

Motion by Council/Agency Member Crandall, seconded by Mayor Pro Tem/Agency Vice-Chair Collins to approve Consent Calendar Item No. 4, was adopted by the following vote:

**Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)
Noes: None (0)**

Motion by Council/Agency Member Crandall, seconded by Mayor Pro Tem/Agency Vice-Chair Collins to approve Consent Calendar Item No 5, was adopted by the following vote:

**Ayes: Collins, Crandall, Vo, Nagel (4)
Noes: None (0)
Absent: McCurdy (1)***

*** Council Member McCurdy noted a conflict of interest on this item as detailed above and left the dais for this item only.**

ADMINISTRATIVE ITEMS

- 9. (Council)** A resolution of the Fountain Valley City Council adopting an increase of \$3.00 per infringement in the fines for parking violations.

Police Chief Paul Sorrell gave a brief presentation of the materials provided to the Council in the agenda packets.

RESOLUTION NO. 9292 A Resolution of the Fountain Valley City Council Adopting an Increase of \$3.00 per Infringement in the Fines for Parking Violations.

Motion by Council/Agency Member McCurdy, seconded by Mayor Pro Tem/Agency Vice-Chair Collins to adopt Resolution No. 9292, was adopted by the following vote:

**Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)
Noes: None (0)**

10. **(Council)** Approval to waive Banner Permit Fees for the remainder of the current calendar year.

Assistant City Planner Matt Jenkins provided a brief explanation of the materials provided to the Council in the agenda packets.

Motion by Council/Agency Member Vo, seconded by Council/Agency Member McCurdy to waive banner permit fees for the remainder of the current calendar year.

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

PRESENTATION OF DEMANDS

(Council) Ratification of Payroll: Payroll Checks and Direct Deposit Vouchers as listed in the report.

Motion by Council/Agency Member Crandall, seconded by Council/Agency Member Vo to approve the ratification of payroll, payroll checks and direct deposit vouchers as listed in the report, was adopted by the following roll call vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

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

Motion by Council/Agency Member Crandall, seconded by Council/Agency Member McCurdy to approve the register of demands, checks, ACH vendor payments and electronic transfers as listed in the report, was adopted by the following roll call vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

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

Motion by Council/Agency Member Crandall, seconded by Mayor Pro Tem/Agency Vice-Chair Collins to approve the register of demands and electronic bank transfers as listed in the report, was adopted by the following roll call vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)

None

APPOINTMENTS

11. **(Council)** Approval of the Committee, Commission and Advisory Board appointments for 2011.

Mayor Nagel announced that council members would be voting for two regular members of the Planning Commission for terms expiring in January, 2013. The results were reported as follows:

- **Mayor Pro Tem Collins voted for Michelle Jensen and Carol Proctor**
- **Council Member Crandall voted for Michelle Jensen and Carol Proctor**
- **Council Member McCurdy voted for Carol Proctor and Kerry Frank**
- **Council Member Vo voted for Michelle Jensen and Carol Proctor**
- **Mayor Nagel voted for Carol Proctor and James Cunneen**

Mayor Nagel announced that Michelle Jensen (three votes) and Carol Proctor (five votes) were reappointed to two-year terms on the Planning Commission.

Motion by Council Member Crandall, seconded by Council Member McCurdy that the Council appoint an additional member to the Planning Commission as an alternate, was approved by the following vote:

Ayes: Collins, Crandall, McCurdy, Vo, Nagel (5)

Noes: None (0)

The Council voted on an alternate on the Planning Commission as follows:

- **Mayor Pro Tem Collins voted for Bruce Schoenegge**
- **Council Member Crandall voted for Patrick Tucker**
- **Council Member McCurdy voted for Kerry Frank**
- **Council Member Vo voted for Michelle Jensen**
- **Mayor Nagel voted for James Cunneen**

Since no candidate received at least three affirmative votes, the Mayor asked the Council Members to fill out a second ballot for the alternate Planning Commission member. The results of the balloting were reported as follows:

- **Mayor Pro Tem Collins voted for Bruce Schoenegge**
- **Council Member Crandall voted for Patrick Tucker**
- **Council Member McCurdy voted for James Cunneen**
- **Council Member Vo voted for Patrick Tucker**

- ***Mayor Nagel voted for James Cunneen***

Since no candidate received at least three votes, the Mayor asked the Council Members to fill out a third ballot for the alternate Planning Commission member. The results were reported as follows:

- ***Mayor Pro Tem Collins voted for James Cunneen***
- ***Council Member Crandall voted for Patrick Tucker***
- ***Council Member McCurdy voted for Patrick Tucker***
- ***Council member Vo voted for Patrick Tucker***
- ***Mayor Nagel voted for James Cunneen***

Mayor Nagel announced that Patrick Tucker (three votes) was appointed as the Alternate on the Planning Commission for a one-year term expiring in January, 2012.

Mayor Nagel stated that council members would be voting for three regular members of the Housing and Community Development Advisory Board for terms expiring in January, 2013. The results were reported as follows:

- ***Mayor Pro Tem Collins voted for Daniel Iwata, Stephen Brumm, and Ruth Rosewitz***
- ***Council Member Crandall voted for Daniel Iwata, Stephen Brumm, and Michael Saffell***
- ***Council Member McCurdy voted for Daniel Iwata, Stephen Brumm, and Ruth Rosewitz***
- ***Council Member Vo voted for Daniel Iwata, Stephen Brumm, and Michael Saffell***
- ***Mayor Nagel voted for Daniel Iwata, Stephen Brumm, and Michael Saffell***

Mayor Nagel announced that Daniel Iwata (five votes) and Stephen Brumm (five votes) were reappointed to the Housing and Community Development Advisory Board for terms expiring in January, 2013, and Michael Saffell (three votes) was appointed to a two-year term expiring in January, 2013.

Mayor Nagel stated that council members would be voting for one regular member of the Fountain Valley Community Foundation for a two-year term expiring in January, 2013. The results were reported as follows:

- ***Mayor Pro Tem Collins voted for Glenn Grandis***
- ***Council Member Crandall voted for Glenn Grandis***
- ***Council Member McCurdy voted for Glenn Grandis***
- ***Council Member Vo voted for Glenn Grandis***
- ***Mayor Nagel voted for Glenn Grandis***

Mayor Nagel announced that Glenn Grandis (five votes) was reappointed to the Fountain Valley Community Foundation for a two-year term expiring in January, 2013.

Mayor Nagel announced that council members would be voting for one regular member of the Fountain Valley Community Foundation for a one-year term expiring in January, 2012. The results were reported as follows:

- **Mayor Pro Tem Collins voted for Robert Cammack**
- **Council Member Crandall voted for Robert Cammack**
- **Council Member McCurdy voted for Robert Cammack**
- **Council Member Vo voted for Robert Cammack**
- **Mayor Nagel voted for Robert Cammack**

Mayor Nagel announced that Robert Cammack (five votes) was appointed to the Fountain Valley Community Foundation for a one-year term expiring in January, 2012.

Mayor Nagel announced that council members would be voting for regular members of the Advisory Committee for the Disabled. He further noted that the terms were for two-years and that membership is not limited on this committee.

- **All five Council Members present voted for Theresa Coakley, Susanne Seiden, Lawrence Judson, Gael B. Traer, Anna Nagmay, Gary Osterbach, Carol Spencer, John Ellison, James Pull, and Mai-Khanh Tran**

Mayor Nagel announced that Theresa Coakley, Susanne Seiden, Lawrence Judson, Gael B. Traer, Anna Nagmay, Gary Osterbach, and Carol Spencer were reappointed to the Advisory Committee for the Disabled for two-year terms expiring in January, 2013, and John Ellison, James Pull and Mai-Khanh Tran were appointed to the Advisory Committee for two-year terms expiring in January, 2013.

COUNCIL/AGENCY COMMENTS (AB1234 Reporting and General Comments)

Mayor Pro Tem/Agency Vice-Chair Collins

- Attended a meeting of the Advisory Committee for the Disabled on January 6, 2011
- Attended a meeting of the Water Advisory Committee on January 7, 2011
- Attended a meeting of the Ground Water Replenishment System on January 10, 2011; he noted that Larry Crandall was elected as the new Chair of this committee

Council/Agency Member McCurdy

- Attended a Transit System Study workshop sponsored by the Orange County Transportation Authority with Mayor Nagel and Mark Lewis on January 12, 2011
- Will be attending AB1234 training this week in Sacramento

Council/Agency Member Vo

- Thanked all the candidates who submitted applications for the City's various boards, committees and commissions
- Noted that he attended grand openings for the Wellness Center and a 711 Store

Council/Agency Member Crandall

- Attended an Orange County Transportation Authority (OCTA) Board Meeting
- Noted that he was elected Chair of the Groundwater Replenishment System
- Attended several Sanitation District meetings

Mayor/Agency Chair

- Attended the Water Advisory Committee meeting on January 7, 2011
- Attended a meeting of the OCTA Planning Group

ADJOURNMENT - in memory of David Schneider and Donald J. Martinson

Mayor/Agency Chair Nagel adjourned the City of Fountain Valley City Council and Agency for Community Development meeting to the next scheduled meeting of February 1, 2011 at 6:00 p.m.

Steve Nagel, Mayor

Pat Healy, City Clerk