

CITY OF FOUNTAIN VALLEY
REGULAR COUNCIL MEETING
June 17, 2008
A G E N D A

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in City Council/Agency for Community Development meetings, please contact the City Clerk's Office at (714) 593-4445. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

CALL TO ORDER 7:00 p.m.

INVOCATION Pastor Matt Ford of Fountain of Life Fellowship Church

SALUTE TO THE FLAG Council Member Gus Ayer

ROLL CALL Ayer, Carrozzo, Collins, Crandall, Brothers

APPROVAL OF MINUTES

Consideration of approval of the minutes of the regular City Council meeting held on June 2, 2008 as distributed.

PRESENTATIONS

Presentation of a Certificate to the Corporate Sponsors in recognition of their support of the Concerts in the Park Summer Series

Presentation of a Proclamation to Mark Nix, Community Services Manager in recognition of Parks and Recreation Month, July 2008

AGENDA COMMUNICATIONS: Materials related to an item on this Agenda submitted to the Council/Agency after distribution of the agenda packet are available for public inspection in the City Clerk's office at 10200 Slater Avenue, Fountain Valley, CA 92708 during normal business hours.

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

Persons wishing to address the Council on the following agenda items should identify themselves and the items they wish to speak on at this time by providing a completed blue speaker card to the City Clerk. Speakers must limit remarks to five minutes on all items and will be summoned to speak at the appropriate time. Comments must be related to items that are within the subject matter of the City Council's jurisdiction. When addressing the Council, please address the Council as a body through the Mayor. Comments to individuals or staff are not permitted.

READING OF ORDINANCES

ACTION: If desired, motion to waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

ORDINANCES FOR ADOPTION

1. **Ordinance No. 1422** An Ordinance Of The Fountain Valley City Council Adding Section 21.08.060 Regarding Reasonable Accommodation To The Fountain Valley Municipal Code Creating A Procedure For Considering Requests For Reasonable Accommodation In The Application Of The City's Land Use Regulations Under The Fair Housing Acts

Staff is recommending the Council approve the adoption of Ordinance No. 1422 amending the Fountain Valley Municipal Code to add Section 21.08.060 regarding reasonable accommodations.

PUBLIC HEARINGS

2. Public Hearing For Consideration of the 2008-2009 and 2009-2010 Two-Year Operating Budgets and Ten-Year Fiscal Forecast, The Annual Appropriations Limit, The Annual Agreement with the Fountain Valley Agency for Community Development Relating to the Capital Improvement Budget and Financing Thereof, and the Schedule of Property Rental Terms and Charges for Administrative Services for the Municipal Water Utility (**Attachment I**)

Staff is recommending the City Council conduct the Public Hearing in consideration of the 2008-09 and 2009-10 Two-Year Operating Budget and Ten-Year Fiscal Forecast; the Annual Appropriations Limit; and the Annual Agreement with the Fountain Valley Agency for Community Development relating to the Capital Improvement Budget and financing thereof and the schedule of Property Rental Terms and Charges for Administrative Services for the Municipal Water Utility.

Report by Elizabeth Fox, Finance Director/City Treasurer

Mayor Collins to open the public hearing to consider:

The 2008-2009 and 2009-2010 Two-Year Operating Budget and Ten-Year Fiscal Forecast.

(Receive public testimony and then close the public hearing.)

Action: Consideration of a motion to adopt the proposed City of Fountain Valley 2008-2009 and 2009-2010 Two Year Operating Budgets and Ten-Year Fiscal Forecast as presented.

Resolution No. 9172 A Resolution of the City Council for the City of Fountain Valley, California Establishing the Annual Appropriations Limit for the Fiscal Year 2008-2009 in Accordance with the Provisions of Division 9 of Title 1 of the California Government Code (**Attachment II**)

Action: Consideration of a motion to adopt Resolution No. 9172 that confirms the annual adjustment factors and establishes the City's Appropriations Limit for 2008-2009.

Resolution No. 9173 A Resolution of the City Council of the City of Fountain Valley Approving an Agreement with the Fountain Valley Agency for Community Development Relating to the Agency's 2008-2009 Capital Improvement Budget (**Attachment III**)

Action: Consideration of a motion to adopt Resolution No. 9173 approving an agreement with the Fountain Valley Agency for Community Development relating to the Capital Improvement Projects that will be financed by the Agency.

Resolution No. 9174 A Resolution of the City Council of the City of Fountain Valley Establishing Property Rental Terms and Charges for Administrative Services for the Municipal Water Utility (**Attachment IV**)

Action: Consideration of a motion to adopt Resolution No. 9174 establishing property rental terms and charges for administrative services for the Municipal Water Utility.

CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the Council to be routine and will be enacted by one motion by the form listed below. There will be no separate discussion of the items prior to the time the Council votes on the motion unless members of the Council, Staff, or the Public request specific items to be discussed and/or removed from the CONSENT CALENDAR for separate action.

ACTION: *If desired, motion to approve Items 3 through 18*

3. Set A Public Hearing for July 15, 2008 to Adopt a Resolution of the City Council for the City of Fountain Valley Declaring its Intention to Establish Underground Utility District No. 9 and Order the Removal of Overhead Utility Facilities and the Installation of Underground Facilities in Said District.

Staff is recommending City Council set a public hearing for July 15, 2008 to adopt a resolution for the City of Fountain Valley declaring its intention to establish underground Utility District No. 9 and order the removal of overhead utility facilities and the installation of underground facilities in said district.

4. Adopt a Resolution of the City Council for the City of Fountain Valley Concerning the Status of the Circulation Element of the City's General Plan to meet Orange County Transportation Authority Requirements

Resolution No. 9175 A Resolution of the City Council for the City of Fountain Valley Concerning the Status of the Circulation Element of the City's General Plan

Staff is recommending City Council adopt Resolution No. 9175 regarding the status of the Circulation Element of the City's General Plan to meet Orange County Transportation Authority requirements.

5. Approval of Contract Change Order No. 10 to Contract No. 07-17 (*Valley Crest Landscape*) in the Amount of \$77,279.28 for the Recreation Center Master Plan Expansion, Project No. PI 790, and Amendment of the FY 2008-2009 Park Improvement Fund (Fund 88) in the Amount of \$159,500

Staff is recommending City Council approve Contract Change Order No. 10 to Contract No. 07-17 (Valley Crest Landscape) in the amount of \$77,279.28 for the Recreation Center Master Plan Expansion, Project No. PI 790 and amend the FY 2008-2009 Park Improvement Fund (Fund 88) budget in the amount of \$159,500.

6. Acceptance of Bids and Award of a Contract to Sequel Contractors in the Amount of \$596,890 for the Widening and Improvement of the Intersection of Newhope Street and Slater Avenue, Project No. TI 258 and Amendment of the Traffic Improvement Fund Budget for Fiscal Year 2008-2009 in the Amount of \$287,000

Staff is recommending Council accept the bids and award a contract to low bidder, Sequel Contractors in the amount of \$596,890 and amend the Traffic Improvement Fund Budget for FY 2008-2009 in the amount of \$287,000, for the widening and improvement of the intersection of Newhope Street and Slater Avenue, Project No. TI 258.

7. Approval to Waive the Bidding Requirements Pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and Approve the Amendment to Contract No. 95-47 to Extend the Contract with Trugreen Landcare for Weed Maintenance and Sidewalk Cleaning

Staff is recommending City Council approve the request to waive bidding requirements pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and approve the amendment to Contract No. 95-47 to extend the contract with Trugreen Landcare for weed maintenance and sidewalk cleaning.

8. Approval to Waive Bidding Requirements Pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and Authorization to Increase the Purchase Order to Astro Painting Inc. in the Amount of \$6,800 for the Interior Painting of Fire Station No. 1 Project No. 62.9.61002.4.4822.

Staff is recommending City Council approve the request to waive the bidding requirements pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and grant authorization to increase the purchase order issued to Astro Painting, Inc. in the amount of \$6,800 for the interior painting of Fire Station No. 1, Project No. 62.9.61002.4.4822

9. Approval to Waive Bidding Requirements Pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and Approve Amendment to Contract No. 00-20 with West Coast Arborists, Inc. for Parkway Tree Trimming Services

Staff is recommending City Council approve the request to waive bidding requirements pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and approve the amendment to Contract No. 00-20 with West Coast Arborists, Inc. for parkway tree trimming services.

10. Approval to Waive Bidding Requirements Pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and Approve Amendment No. 4 to Contract 05-15 with CleanStreet for Street Sweeping Services

Staff is recommending City Council approve the request to waive bidding requirements pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and approve Amendment No. 4 to Contract No. 05-15 with CleanStreet for street sweeping services.

11. Approval to Waive Bidding Requirements Pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and Approve the Amendment to Contract No. 95-61 with Prudential Overall Supply to Provide Uniforms, Weekly Laundry Service and Selected Janitorial Items

Staff is recommending Council grant approval to waive the bidding requirements pursuant to Fountain Valley Municipal Code Section 2.36.120 (Par 7) and approve the Amendment to Contract No. 95-61 with Prudential Overall Supply to provide uniforms, weekly laundry services and selected janitorial items.

12. Accept the 2008 Engineering and Traffic Survey Confirming Section 10.24.010 of the Fountain Valley Municipal Code, Which Establishes Speed Limits in the City of Fountain Valley

Staff is recommending Council accept the 2008 Engineering and Traffic Survey confirming Section 10.24.010 of the Fountain Valley Municipal Code, establishing speed limits in the City of Fountain Valley.

13. Acceptance of 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

Staff is recommending Council accept the proposal and award a contract for citywide traffic signal and coordination timing on-call and maintenance services to Albert Grover and Associates in the amount not to exceed \$25,000.

14. Acceptance of Bids and Award of a Contract to Premium Construction in the Amount of \$24,874 for the Installation of Playground Surfacing Material and City Supplied Playground Equipment at Westmont Park, Project No. GF 403

Staff is recommending Council accept the bids and award a contract to Premium Construction in the amount of \$24,874 for the installation of playground surfacing material and City supplied playground equipment at Westmont Park, Project No. GF 403.

15. Approval of Rainbow Disposal's Request to Increase Their Commercial and Industrial Waste Disposal Rate Schedule by 5.94%

Staff is recommending Council approve Rainbow Disposal's request to increase their commercial and industrial waste disposal rate schedule by 5.94%

16. Review of the Current Status of the Emergency Repairs to the Well Casing for Well No. 4

Staff is recommending Council authorize staff to continue with the emergency repairs to Well No. 4 well casing in accordance with Public Works Projects – Emergency Exception, Section 2.36.090 of the Fountain Valley Municipal Code.

17. Final Project Documentation for CALMEX Engineering, Inc., Contract No. 07-63, and Purchase Order to AMEC Earth and Environmental, Inc. for Project No. TI 606, and Approval of:
1. The Final Closeout Agreement and Release of All Claims on Contract No. 07-63, CALMEX Engineering, Inc., Project No. TI 606
 2. Contract Change Order No. 1 to Contract No. 07-63, CALMEX Engineering, Inc. Project No. TI 606 in the amount of \$17,368.45
 3. Approval to Waive Bidding Requirements in Accordance with Fountain Valley Municipal Code Section 2.36.110 (Par 7) and Authorization to Increase Existing Purchase Order to AMEC Earth & Environmental, Inc. in the Amount of \$18,897.25 for Material Testing and Inspection Services, and
 4. Acceptance of Improvements for the Rehabilitation and Resurfacing of Talbert Avenue From Newland Street To Magnolia Street and Brookhurst Street From Warner Avenue to Heil avenue, Project No. TI 606, CALMEX Engineering, Inc., Contract No. 07-63

Staff is recommending Council approve the Final Closeout Agreement and Release of All Claims; (2) approve contract change order No. 1; (3) grant approval to waive bidding requirements pursuant to Fountain Valley Municipal Code, Section 2.36.110 (Par 7) and authorization to increase the existing purchase order to AMEC Earth & Environmental, Inc. in the amount of \$18,897.25 for material testing and inspection services; and (4) acceptance of improvements for the rehabilitation and resurfacing of Talbert Avenue from Newland Street to Magnolia Street and Brookhurst Street from Warner Avenue to Heil Avenue, Project No. TI 606, Contract No. 07-63.

18. Adoption of the Following Resolutions Pertaining to the Upcoming General Municipal Election:

Resolution No. 9176 A Resolution Of The City Council Of The City Of Fountain Valley, California Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held On Tuesday, November 4, 2008, For The Election Of Certain Officers As Required By The Provisions Of The Laws Of The State Of California Relating To General Law Cities

Resolution No. 9177 A Resolution Of The City Council Of The City Of Fountain Valley, California, Requesting The Board Of Supervisors Of The County Of Orange To Consolidate A General Municipal Election To Be Held On November 4, 2008, With The Statewide General Election To Be Held On The Date Pursuant To § 10403 Of The Elections Code

Staff is recommending Council adopt the proposed resolutions calling for the enabling and consolidation of the general municipal election while setting forth the regulations regarding candidates' statements.

ADMINISTRATIVE ITEMS

19. Determination of Public Convenience for Necessity for the Issuance of a Type 21 Off-Sale General Liquor License for Fresh and Easy Market Located at 16201 Harbor Boulevard

Staff is recommending that Council find that public convenience for necessity would be served by the issuance of Type 21 general off-sale liquor license for Fresh and Easy Market Located at 16201 Harbor Boulevard.

Report by Andy Perea, Director of Planning

PRESENTATION OF DEMANDS

- (1) Ratification of Payroll: 258685 – 158689; 264298 – 264303 and Direct Deposit Vouchers as listed in the reports
- (2) Consideration of Register of Demands: 165913 – 166101 and ACH Vendor Payments; and electronic transfers as listed in the report

RECESS TO A MEETING OF THE FOUNTAIN VALLEY AGENCY FOR COMMUNITY DEVELOPMENT

RECONVENE TO THE MEETING OF THE FOUNTAIN VALLEY CITY COUNCIL

RECESS TO A MEETING OF THE FOUNTAIN VALLEY FINANCING AUTHORITY

RECONVENE TO THE MEETING OF THE FOUNTAIN VALLEY CITY COUNCIL

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)

(Speakers Must Limit Remarks to Five Minutes)

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

ADJOURNMENT

Mayor to adjourn the City of Fountain Valley City Council meeting to the next scheduled meeting of July 15, 2008.

I, Robin Roberts, City Clerk of the City of Fountain Valley, California, do hereby certify under penalty of perjury under the laws of the State of California that I caused the foregoing Agenda for the Regular Council Meeting to be posted on the Bulletin Board in front of City Hall at 10200 Slater Avenue, Fountain Valley, California on June 13, 2008.

Robin Roberts, CMC
City Clerk