

**CITY OF FOUNTAIN VALLEY
REGULAR COUNCIL MEETING
October 16, 2007
MINUTES**

CALL TO ORDER

Mayor Ayer called to order the regular City Council meeting of October 16, 2007 at 7:00 p.m.

INVOCATION

Mayor Pro Tem John J. Collins gave the invocation.

SALUTE TO THE FLAG

Mayor Pro Tem John J. Collins led the salute to the flag of the United States.

ROLL CALL

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

Also Present: Assistant City Attorney Colin Burns, Community Services Manager Mark Nix, Finance Director/City Treasurer Liz Fox, Fire Chief Bill Walker, Personnel Manager Jean Hirai, Planner Robert Franklin, Planning Director Andy Perea, Police Chief Paul Sorrell, Public Works Director/City Engineer Mark Lewis, and City Clerk Robin Roberts.

APPROVAL OF MINUTES

Motion by Council Member Crandall, second by Mayor Pro Tem Collins, to approve the minutes of the regular City Council meeting held on October 2, 2007 as distributed.

Ayes: Carrozzo, Collins, Crandall
Noes: None
Abstained: Brothers, Ayer
Motion Carried

PRESENTATIONS

Mayor Pro Tem Collins presented plaques to the following Disability Friendly Business Award recipients:

- Fountain Valley Bowl – (Large Business)
- Izzy's Bagels & Books – (Small Business)
- Carissa Sanchez, Plavan Elementary ESP Extended School Program (Individual)

Mayor Ayer presented a proclamation for Red Ribbon Week to Police Chief Paul Sorrell. The following Red Ribbon Fall Festival sponsors were then announced :

CARE Ambulance, Fountain Valley Firefighters Association, Fountain Valley Regional Hospital and Medical Center, Hyundai Motor America, JMG Security Systems, Kingston Technology, David L. Baker Men's Golf Club, Orange Coast Memorial Care Medical Center, Sam's Club, Time Warner Cable, Fountain Valley Police Officer's Association, Tony Nobles Family Foundation, and Non-Surgical Spine Care Unit.

PUBLIC HEARINGS

There were no public hearing matters scheduled for this meeting.

ORDINANCES FOR INTRODUCTION

There were no ordinances for introduction scheduled for this meeting.

ORDINANCES FOR ADOPTION

There were no ordinances for adoption scheduled for this meeting.

CONSENT CALENDAR

Council Member Crandall requested that Consent Calendar Item 1 be pulled for discussion.

Council Member Brothers requested that Consent Calendar Item 3 be pulled for discussion.

Motion by Mayor Pro Tem Collins, second by Council Member Brothers, to approve Consent Calendar Items 2, and 4-7.

2. Approval Of The Orange County Sanitation District Ellis Avenue Reimbursement Agreement For The Rehabilitation And Resurfacing Of Ellis Avenue From Bushard Street To I-405 Southbound Ramps/Euclid Street, Project No. T1363

4. **A Resolution Of The City Council Of The City Of Fountain Valley Relating To The Classification, Compensation And Terms And Conditions Of Employment Of Sworn Management Police Personnel Represented By The Fountain Valley Peace Officers' Management Unit And Superseding All Provisions Contained In Resolution No. 8620**

Resolution No. 9147 A Resolution Of The City Council Of The City Of Fountain Valley Relating To The Classification, Compensation, And Terms And Conditions Of Employment Of Sworn Management Police Employees Represented By The Fountain Valley Peace Officers' Management Unit And Repealing Resolution No. 8620

5. **Set A Public Hearing Regarding Adoption Of The 2007 California Fire Code, 2006 International Fire Code, And The 2007 Complete Set Of Title 24, Which Consists Of The California Editions Of The Administrative, Building, Plumbing, Mechanical, Electrical, Energy, And Referenced Standards Codes, As Well As Amendments To The Fountain Valley Municipal Code Chapters 17 And 18**
6. **Acceptance Of Parcel Map No. 2006-128 For The Property Located At 17099 Brookhurst Street (Sam's Club).**
7. **Acceptance Of Waterline Easement, Waterline And Appurtenances Dedication To The City Of Fountain Valley As A Separate Instrument To Parcel 1 Of Parcel Map Book No. 36, Page 28 Located At 18475 Bandilier Circle**

Ayes: Carrozzo, Collins, Crandall, Brothers, Ayer

Noes: None

Motion Carried

1. **Adoption Of A Resolution Memorializing The City Council's Denial Of Variance No. 261 Filed By G&M Oil To Permit Canopy Fascia Lights At The Chevron Gas Station Located At 8980 Warner Avenue**

Resolution No. 9142 A Resolution Of The City Council Of The City Of Fountain Valley Denying Variance No. 261 Filed By G&M Oil For A Sign With Canopy Fascia Lights At The Chevron Gas Station Located At 8980 Warner Avenue

Motion by Mayor Pro Tem Collins, second by Council Member Brothers, to approve staff's recommendation and adopt Resolution No. 9142, memorializing the Council's denial of Variance No. 261.

Council Member Crandall stated that he had opposed the denial of Variance No. 261 at the past Council meeting, and will therefore be voting no on this motion.

Ayes: Carrozzo, Collins, Brothers, Ayer

Noes: Crandall

Motion Carried

3. Adoption Of A Resolution Of The Fountain Valley City Council Authorizing The Destruction Of Certain City Records

Resolution No. 9146 A Resolution Of The City Council Of The City Of Fountain Valley Authorizing The Destruction Of Certain Records

Motion by Council Member Brothers, second by Council Member Crandall, to approve Resolution No. 9146, authorizing the destruction of obsolete City records.

Council Member Brothers provided a list of records that she would like to review prior to destruction for their potential transfer to the Historical Society.

There was further discussion regarding the destruction of records process and the manner of which the records are labeled, after which Council Member Brothers stated that she would attempt to review said records with the City Clerk tomorrow morning, prior to their scheduled destruction.

Revised motion by Council Member Brothers, second by Council Member Crandall, to approve Resolution No. 9146, authorizing the destruction of obsolete City records, allowing for Council to first review, and possibly transfer records with historical value to the Historical Society, if feasible.

Ayes: Carrozzo, Collins, Crandall, Brothers, Ayer
Noes: None
Motion Carried

ADMINISTRATIVE ITEMS

8. Determination Of Public Convenience Or Necessity For The Issuance Of A Type 21 Off-Sale Liquor License For Fresh And Easy Market Located At 9380 Warner Avenue

Planning Director Andy Perea summarized information provided in the staff report included in the agenda packet, including the process required for the issuance of a Type 21 Off-Sale Liquor License. Mr. Perea further discussed the number of issued Type 21 Licenses in Census Tract Number 992.34, and concluded with staff's recommendation, that the City Council grant the issuance of a Type 21 Liquor License for Fresh and Easy Market located at 9380 Warner Avenue for public convenience and/or necessity.

Motion by Mayor Pro Tem Collins, second by Council Member Brothers, to approve staff's recommendation and provide the determination of public convenience or necessity for the issuance of a Type 21 Off-Sale Liquor License for the Fresh and Easy Market.

Mayor Pro Tem Collins noted the need to be cautious when issuing such licenses, but based on many determining factors, he finds the allowance of the issuance of this license is of public convenience.

Council Member Carrozzo stated that he would be voting no on this Item as the Alcohol and Beverage Control has determined that this census tract is over concentrated with Type 21 Licenses.

Mayor Ayer stated that he has reviewed the plans for this market and finds this interesting style to be a very good fit for this area of Fountain Valley.

Council Member Brothers stated that the 405 freeway divides this census tract, and this is one of the contributing factors in determining the finding for public convenience.

Mayor Pro Tem Collins noted that we are not overruling the Alcohol and Beverage Control as there are provisions in their regulations that allow for such jurisdictional judgment.

Ayes: Collins, Crandall, Brothers, Ayer
Noes: Carrozzo
Motion Carried

PRESENTATION OF DEMANDS

(1) Ratification of Payroll: 258667; 263942-263946, and Direct Deposit Vouchers as listed in reports.

Motion by Council Member Crandall, second by Mayor Pro Tem Collins, to ratify payroll including the vouchers as listed in the report by the following roll call vote:

Ayes: Carrozzo, Collins, Crandall, Brothers, Ayer
Noes: None
Motion Carried

(2) Consideration of Register of Demands: 162190 – 162438; ACH Vendor Payments; and electronic transfers as listed in the report

Motion by Council Member Crandall, second by Mayor Pro Tem Collins, to approve the Register of Demands as listed in the report, including ACH Vendor payments and electronic bank transfers, by the following roll call vote:

Ayes: Carrozzo, Collins, Crandall, Brothers, Ayer
Noes: None
Motion Carried

RECESS

Mayor Ayer recessed the regular Council meeting at 7:30 p.m. to an Agency for Community Development meeting.

RECONVENE

Mayor Ayer reconvened the regular Council meeting at 7:31 p.m. with all Council Members present.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)

John Carlisle, a Redondo Beach resident, spoke about his concerns of the process regarding his conviction filed by the District Attorney's office. He further stated that there would be a court hearing regarding this matter in Santa Ana on October 23, 2007.

APPOINTMENTS

Mayor Ayer announced that there were no scheduled appointments.

COUNCIL COMMENTS

Outside Committee Activities:

Council Member Carrozzo spoke regarding his attendance at the Orange County Library Advisory Board meeting, and discussed the upgrades scheduled for the Fountain Valley Library's ventilation and lighting systems.

Council Member Crandall discussed his attendance at the Orange County Sanitation District meeting, and distributed pictures of one of the current projects in the Fountain Valley community.

Mayor Ayer discussed his attendance at the Orange County Sanitation District workshop, including the District's desire to control odors. He further discussed a conference that he attended in Sweden (not at City expense), relating that he obtained valuable information.

AB 1234 Disclosure Reporting

Council Member Brothers discussed her attendance at the National Cable Television Conference in Portland Oregon, and the potential problems relative to cable franchise programming and the Federal Communications Commission.

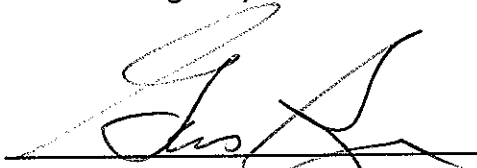
General Comments:

Council Member Crandall discussed the Fountain Valley Fire Departments Open House which was well attended. He also announced that he is grateful that his son-in-law is on his way home from Iraq.

Council Member Brothers announced that information regarding the 2008/2009 Orange County Grand Jury applications process would be available at the City Manager and City Clerk Offices.

ADJOURNMENT

Mayor Ayer adjourned the meeting at 7:42 p.m. to the regularly scheduled meeting on November 2, 2007.



Gus Ayer, Mayor
City of Fountain Valley

ATTEST:



Robin Roberts, City Clerk