

**CITY COUNCIL/AGENCY
FOR COMMUNITY DEVELOPMENT**

**MINUTES OF THE
October 18, 2011**

REGULAR MEETING

CALL TO ORDER 6:01 p.m.

INVOCATION

Reverend John McFarland gave the invocation.

SALUTE TO THE FLAG

Mayor Steve A. Nagel led the salute to the flag of the United States.

ROLL CALL

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

ABSENT: Council/Agency Member Crandall (attending out-of-town conference)

ANNOUNCEMENT OF LATE COMMUNICATIONS

List of Protest Letters on Proposition 218 Public Protest Hearing on Proposed Water and Sewer Rate Increase.

1. (Council/Agency) Approval of the minutes of the City Council/Agency for Community Development meeting held on October 4, 2011, as presented.

Action: Approve October 4, 2011, minutes as distributed

Motion: Collins Second: McCurdy

Ayes: Nagel, Collins, McCurdy, Vo

Nays: None

MOTION PASSED UNANIMOUSLY 4-0

PRESENTATIONS

Mayor Nagel and Mayor Pro Tem Collins presented the Fountain Valley Advisory Committee for the Disabled 2011 Disability Friendly Awards to:

- Rudy Robles, Manager of the Sizzler Restaurant
- Maureen Foss of Dr. Tony Vu Optometry
- April Purdy of Fountain Valley Orthotics & Prosthetics

PUBLIC COMMENTS (Scheduled Matters Only)

None

READING OF ORDINANCES

2. **Action:** Waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

Motion: Collins **Second:** McCurdy

Ayes: Nagel, Collins, McCurdy, Vo

Nays: None

MOTION PASSED UNANIMOUSLY 4-0

PUBLIC HEARINGS

3. *(Council)* Conduct a Public Protest Hearing Regarding Proposed Water Rate and Sewer Rate Increases in Compliance with Proposition 218; and Adopt a Resolution Establishing the Proposed Water and Sewer Rate Structure *(Report by Mark Lewis, Director of Public Works)*

Mayor Nagel introduced the City Attorney, Alan R. Burns, who provided an overview of the procedural requirements the City must follow for a Proposition 218 Protest Hearing with respect to increasing fees.

Mark Lewis, Director of Public Works, gave a PowerPoint presentation on the proposed water and sewer rate increase recapping the purpose of the proposed water/sewer rate increase to cover increases in imported and local groundwater water costs, compliance with regulatory agency requirements, capital improvement and replacement, operations and maintenance, and administration of the Water Enterprise Fund.

City Council discussion ensued concerning the opposition of a tiered water/sewer rate structure. The proposed water and sewer rate structure would provide an effective pricing mechanism to encourage water use efficiency, as well as a means gain the necessary revenues to adequately supply sewer/water services to Fountain Valley customers.

Kathy Heard, Deputy City Clerk, announced that 19 written protests have been received prior to the City Council meeting.

Mayor Nagel opened the Public Hearing.

Public Speakers: Edward Ludford, Douglas Hughes, and Phyllis Smith spoke in opposition to the proposed water/sewer rate increase. John Briscoe spoke in opposition to the two-tiered rate structure for the proposed water/sewer rate increase.

Mayor Nagel closed the Public Hearing.

Mayor Nagel requested a final total of protests received prior to the close of the Public Hearing from the City Clerk.

Kathy Heard, Deputy City Clerk, announced that 11 additional written protests were received by the close of the public hearing, for a total of 30 written protests.

Mayor Nagel announced that the protest had failed due to the lack of written protests by the majority of owners of the 17,000 parcels.

Mayor Pro Tem Collins made a motion to approve Resolution No. 9324, second by Council Member Vo.

Council Member McCurdy proposed a substitute motion to stay at a single tier with a slight increase in rates.

Council Member McCurdy's motion failed for lack of a second.

Action: Approve Resolution No. 9324 establishing the proposed water and sewer rate increase and the Fire Service water meter increase.

Motion: Collins Second: Vo

Ayes: Nagel, Collins, Vo

Nays: McCurdy

MOTION PASSED 3-1

ORDINANCES

4. *(Council)* Second Reading: **ORDINANCE NO. 1467** An Ordinance of the Fountain Valley City Council Approving Code Amendment No. 09-02; to Repeal Chapter 21.24, Sign Code in its Entirety and Replace with Chapter 21.24 and 21.25.

Action: Adopt Ordinance No. 1467

Motion: Collins Second: Vo

Ayes: Nagel, Collins, McCurdy, Vo

Nays: None

MOTION PASSED UNANIMOUSLY 4-0

CONSENT CALENDAR

Consent Calendar Items Nos. 5 through 11 will be approved simultaneously with one motion, unless separate action/or discussion is requested.

5. *(Agency)* Amendment of the Fiscal Year 2010/11 Fountain Valley Agency for Community Development (FVACD) funds in the amount of \$263,521.82 for the rehabilitation and resurfacing of Talbert Avenue from Ward Street to Santa Ana River, Project No. TI260.
6. *(Council)* 1) Approval of OCTA Master Funding Agreement No. C-1-2762; and 2) Authorization for the City Manager to execute Letter Agreement No. 1 to OCTA Master Funding Agreement No. C-1-2762 and all future letter agreements.

7. (Council) Acceptance of Bids and Award of Contract to Stanley Steemer in the amount not to exceed \$18,610 annually to provide carpet and upholstery cleaning services at City offices and facilities and Amendment of the Fiscal Year 2011/12 General Fund/Government Buildings Budget in the amount of \$18,610.
8. (Council) 1) Acceptance of Bids and Award of Contract in the amount of \$2,397,137.95 to R.J. Noble Company for project construction; and 2) Acceptance of Proposals and Award of Contracts in the Amount of \$33,210 to Bureau Veritas for construction inspection and \$35,920 to MTGL Inc. for material testing for the Residential Roadway Rehabilitation Project, No. GT229 (Quadrants B5, B5, and B7).
9. (Council) Approval of a Resolution authorizing participation in CalTRUST.
10. (Council) Approval of payment of the annual Software Maintenance Support Invoice from Tyler Technologies for the Incode Software in the amount of \$54,618.83.
11. (Council) Approval of payment of the annual Software Maintenance Support Invoice from Complete Paperless Solutions, for maintenance, support and upgrades of the Laserfiche Document Imaging System in the amount of \$48,822.

Action: Approve Consent Calendar Items Nos. 5 through 11.

Motion: Collins Second: Vo
Ayes: Nagel, Collins, McCurdy, Vo
Nays: None

MOTION PASSED UNANIMOUSLY 4-0

PRESENTATION OF DEMANDS

(Council) Ratification of Payroll: Checks and Direct Deposit Vouchers

Motion: Collins Second: Vo
Ayes: Nagel, Collins, McCurdy, Vo
Nays: None

MOTION PASSED BY UNANIMOUS ROLL CALL VOTE 4-0

(Council) Register of Demands: Checks, ACH Vendor Payment, and Electronic transfers

Motion: McCurdy Second: Collins
Ayes: Nagel, Collins, McCurdy, Vo
Nays: None

MOTION PASSED BY UNANIMOUS ROLL CALL VOTE 4-0

PUBLIC COMMENTS (Unscheduled Matters Only)

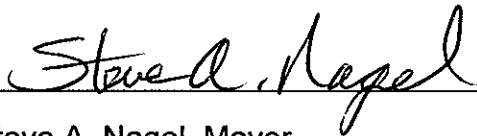
None

COUNCIL/AGENCY COMMENTS - (AB1234 Reporting and General Comments)

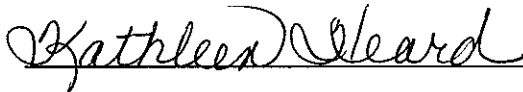
- Council Member Collins: attended the OCTA, I-405 Policy Group meeting on 10-5-11, the tour of the Prado and Seven Oaks Dams on 10-6-11, and the Water Advisory Committee meeting on 10-7-2011.
- Council Member McCurdy: Attended the Orange County Library Meeting on 10-6-11.
- Council Member Vo: Attended "The Moving Wall" a replica of the Viet Nam War Museum on 10-6-11, and the Fountain Valley Charity Poker game on 10-8-2011.
- Mayor Nagel: Attended the Fountain Valley Fire Department Open House, the Orange Co. Asian Pacific Islander Community Health Study, and on 10-5-11, the swearing in of the two newest Fountain Valley police officers.

ADJOURNMENT

Mayor/Agency Chair Nagel adjourned the Fountain Valley City Council and Agency for Community Development at 7:31 p.m. to the next scheduled meeting of November 1, 2011 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.



Steve A. Nagel, Mayor



Kathleen Heard, Deputy City Clerk