



**MINUTES OF THE  
CITY COUNCIL/ SUCCESSOR AGENCY TO THE FOUNTAIN  
VALLEY AGENCY  
FOR COMMUNITY DEVELOPMENT/ FOUNTAIN VALLEY  
HOUSING AUTHORITY  
Study Session 4:30 p.m.  
Closed Session 5:51 p.m.  
Regular Meeting 6:21 p.m.  
Tuesday, January 22, 2019  
Council Chambers**

**STUDY SESSION**

**CALL TO ORDER**

4:30 p.m.

1. Proposal by Goals Soccer Center, CEO Andy Anson

Public Comments:

Michael Ramirez  
Allan Grandall

Representatives from GOALS Soccer and Community Services Director Rob Frizzelle presented the proposed GOALS soccer complex.

**CLOSED SESSION**

**CALL TO ORDER**

5:15 p.m.

**PUBLIC COMMENTS**

None

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Section 54956.9

Name of case: Environmental Construction, Inc. v. City of Fountain Valley (Pascal & Ludwig Constructors, Inc.) OCSC Case No. 30-2018-01038569-CU-WM-CJC

There was no reportable action on this item.

3. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Section 54956.9

Name of case: Orange County Transportation Authority v. City of Fountain Valley, et al. (OCSC Case No. 30-2018-00977509-CU-EI-CXC)

There was no reportable action on this item.

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (1) Fountain Valley Sports Park Field A

City Negotiators: Rob Houston, City Manager; Rob Frizzelle, Community Services Director, Maggie Le, Assistant to the City Manager, Colin Burns, Attorney for the City

Negotiating Parties: Fountain Valley and Goals Soccer Center

Under negotiation: Price and terms of payment

There was no reportable action on this item.

**5. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Section 54956.9

Name of case: Sherman v. City of Fountain Valley, et al. (USDC Case No. 8:17-cv-2217-JVS (DFMx))

There was no reportable action on this item.

**6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: (APNs 156-164-02 and 156-164-03)

Agency negotiators: City Manager, Attorney for the City, Director of Public Works, Assistant to the City Manager

Negotiating parties: Fountain Valley and Orange County Transportation Authority

Under negotiation: Price and terms of payment

There was no reportable action on this item.

**7. Property: (Land adjacent to 405 freeway including City Water Tank - 18460 Euclid Street, Fountain Valley, CALTRANS PARCEL: 102891-1; 102891-2)**

Agency negotiators: City Manager, Attorney for the City, Director of Public Works, Assistant to the City Manager

Negotiating parties: Fountain Valley and Orange County Transportation Authority

Under negotiation: Price and terms of payment

There was no reportable action on this item.

**8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: (APN Numbers: 156-152-01, -02 and -03)

Agency negotiators: City Manager, Attorney for the City, Director of Public Works, Assistant to the City Manager

Negotiating parties: Fountain Valley, Mike Thompson's RV, and Orange County Transportation Authority

Under negotiation: Price and terms of payment

There was no reportable action on this item.

**9. Conference with Real Property Negotiators under Government Code Section 54956.8**

Property: APNs: 144-251-34 and 144-511-01

Housing Authority/City negotiators: Rob Houston, City Manager/Housing Authority Executive Director; Brian James, Building and Planning Director; Colin Burns, City Legal Counsel; Celeste Brady, Special Counsel; Kathleen Head, Housing and Economic Advisor

Persons with whom its negotiators may negotiate: authorized representatives of the property owner, Scott Ramser, et al., and The Related Companies of California, LLC, Frank Cardone, Colby Northridge, et al.

Under negotiation are the price and terms of funding and payment related to potential acquisition of subject real property.

There was no reportable action on this item.

**10. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Section 54956.9

Name of case: AmeriCare Medservices, Inc. v. City of Anaheim, et al. (United States Supreme Court Case No. 18-912)

There was no reportable action on this item.

Closed Session was recessed at 6:17 p.m.

**OPEN SESSION**

6:18 p.m.

**CALL TO ORDER**

**INVOCATION**

Mayor Steve Nagel

**SALUTE TO THE FLAG**

Mayor Pro Tem Cheryl Brothers

**CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/ ROLL CALL**

Council Members: Constantine, Harper, Vo, Mayor Pro Tem/Vice Chair Brothers, Mayor/Chair Nagel

All members were present

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS**

In regards to item 12, late emails were received and given to City Council Members. In regards to item 22, a revised staff report was given to the City Council and Public.

**PUBLIC COMMENTS** (Scheduled Matters Only)

None

**READING ORDINANCES**

11. Waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

**ACTION:** Move to waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only

**MOTION:** Vo     **SECOND:** Brothers

**AYES:** Constantine, Harper, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**PUBLIC HEARINGS**

*Each person will have up to 3 minutes to speak on each Public Hearing.*

**Council Member Harper left the Dias at 6:21 p.m.**

12. (Council) Public Hearing to Consider an Appeal Filed by the City Council Regarding the Planning Commission's Approval of Conditional Use Permit No. 1853 and Variance No. 329 Submitted by Rodecker Slater LLC to Install a Wireless Telecommunication Facility on the

Roof of the Existing Building Located at 10175 Slater Avenue and a Variance to Exceed the Fifty-Foot Maximum Height for a Structure in the C1 Zoning District

Public Hearing opened at 6:52 p.m.

Public Comments: Mary parsons, Bud Potter, Valerie Fairman, Alan Marcum, Tracy Cameron, Memory Bartlett, Gary Forman, Gary Sahagen, Mitchell Cameron, Sasha Chavez, Deborah Ballard, Jim Newton, Wallace Rodecker, Dan Madden, Bob Herman, Michael Ramirez, Al Franco, Lal Punwani, Dan Hoppy, Susan Castellanos, Hany Stefanos, Dan Sumpter, Amanda Zive, Nomi Channapragada, George Renjes, Susan Saurastri.

Public Hearing Closed at 7:43 p.m.

**ACTION:** Move to continue the Public Hearing item to a future meeting.

**MOTION:** Vo     **SECOND:** Brothers

**AYES:** Constantine, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** Harper

**Council Member Harper returned to the Dias at 7:49 p.m.**

13. (Council) Public Hearing: Code Amendment No. 19-01 – An Amendment to the Fountain Valley Municipal Code Chapter 21.14.040 Floodplain (-FP) Overlay Zoning District – Flood Damage Prevention to Ensure Compliance with the National Flood Insurance Program

Public Hearing opened at 7:52 p.m.

No Comments

Public Hearing Closed at 7:52 p.m.

**ACTION:** Move to approve Code Amendment No. 19-01 – An Amendment to the Fountain Valley Municipal Code Chapter 21.14.040 Floodplain (-FP) Overlay Zoning District – Flood Damage Prevention to Ensure Compliance with the National Flood Insurance Program

**MOTION:** Brothers     **SECOND:** Harper

**AYES:** Constantine, Harper, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

14. (Council) Public Hearing: Code Amendment No. 19-03 – An Amendment to the Fountain Valley Crossings Specific Plan, Table 2.7.1, Pertaining to Parking Regulations for Entertainment and Recreation Uses

Public Hearing opened at 7:56 p.m.

No Comments

Public Hearing Closed at 7:56 p.m.

**ACTION:** Move to approve Code Amendment No. 19-03 – An Amendment to the Fountain Valley Crossings Specific Plan, Table 2.7.1, Pertaining to Parking Regulations for Entertainment and Recreation Uses

**MOTION:** Vo     **SECOND:** Brothers

**AYES:** Constantine, Harper, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**CONSENT CALENDAR**

*Consent Calendar Items 16 and 18 through 20 were approved simultaneously.*

**Pulled by Council Member Harper**

15. (Council/Successor Agency/Housing Authority) Receive and File the Draft Minutes of the December 18, 2018 City Council Meeting

**ACTION:** Move to approve the Minutes of December 18, 2018, as amended

**MOTION:** Harper     **SECOND:** Nagel

**AYES:** Constantine, Harper, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

16. (Council) 1) Approval of a Resolution of the City Council of the City of Fountain Valley relating to the Classification and Compensation of City employees, and superseding all provisions contained in Resolution No. 9670 which pertain to the Classification and Compensation of City employees.

2) Approval of a Resolution of the City Council of the City of Fountain Valley relating to the classification and compensation plan for part-time employees of the City and superseding all provisions contained in Resolution No. 9646 which pertain to the part-time employees and Workers' Compensation coverage for volunteers.

**ACTION:** Move to approve a Resolution of the City Council of the City of Fountain Valley relating to the Classification and Compensation of City employees, and superseding all provisions contained in Resolution No. 9670 which pertain to the Classification and Compensation of City employees and a Resolution of the City Council of the City of Fountain Valley relating to the classification and compensation plan for part-time employees of the City and superseding all provisions contained in Resolution No. 9646 which pertain to the part-time employees and Workers' Compensation coverage for volunteers.

**MOTION:** Vo     **SECOND:** Nagel

**AYES:** Constantine, Harper, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**Pulled by Mayor Pro Tem Brothers**

17. (Council) 1) Accept the Bids and Award a Contract to California Professional Engineering, Inc. in the amount of \$626,339.40 for Project Construction for the Traffic Signal Installation Project at Talbert Avenue/Mount Washington Street/Costco Plaza, Project No. TI233; 2) Approve a Budget Amendment to the Traffic Improvement Fund (Fund 24) in the amount of \$324,493.34; and, 3) Approve a Transfer from the General Fund into the Traffic Improvement Fund in the amount of \$201,275.34.

**ACTION:** Move to 1) Accept the Bids and Award a Contract to California Professional Engineering, Inc. in the amount of \$626,339.40 for Project Construction for the Traffic Signal Installation Project at Talbert Avenue/Mount Washington Street/Costco Plaza, Project No. TI233; 2) Approve a Budget Amendment to the Traffic Improvement Fund (Fund 24) in the amount of \$324,493.34; and, 3) Approve a Transfer from the General Fund into the Traffic Improvement Fund in the amount of \$201,275.34.

**MOTION:** Brothers      **SECOND:** Harper

**AYES:** Constantine, Harper, Vo, Brothers, Nagel  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

18. (Council) Adopt a Resolution Authorizing Application to the Orange County Transportation Authority for 2019 Measure M2 Project W Safe Transit Stops Funding Program

**ACTION:** Move to Adopt a Resolution Authorizing Application to the Orange County Transportation Authority for 2019 Measure M2 Project W Safe Transit Stops Funding Program

**MOTION:** Vo      **SECOND:** Nagel

**AYES:** Constantine, Harper, Vo, Brothers, Nagel  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

19. (Council) Approval of a contract with Konica Minolta Business Systems for the Implementation of New Agenda Management Software.

**ACTION:** Move to approve a contract with Konica Minolta Business Systems for the Implementation of New Agenda Management Software.

**MOTION:** Vo      **SECOND:** Nagel

**AYES:** Constantine, Harper, Vo, Brothers, Nagel  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

20. (Council) Approve the Modification of the Salary and Position Control Schedule to Convert the Reproduction/Stores Clerk Position to an Accounting Technician I Position.

**ACTION:** Move to approve the Modification of the Salary and Position Control Schedule to Convert the Reproduction/Stores Clerk Position to an Accounting Technician I Position.

**MOTION:** Vo     **SECOND:** Nagel

**AYES:** Constantine, Harper, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ADMINISTRATIVE ITEMS**

21. (Council/Successor Agency/Housing Authority) ACQUISITION LOAN AGREEMENT FOR AFFORDABLE HOUSING SITE BETWEEN THE FOUNTAIN VALLEY HOUSING AUTHORITY AND THE RELATED COMPANIES OF CALIFORNIA, LLC TO FUND ACQUISITION OF REAL PROPERTY LOCATED AT 16790 HARBOR BOULEVARD, FOUNTAIN VALLEY FOR THE PROPOSED DEVELOPMENT OF A 50-UNIT AFFORDABLE HOUSING PROJECT

**ACTION:** Move to approve the ACQUISITION LOAN AGREEMENT FOR AFFORDABLE HOUSING SITE BETWEEN THE FOUNTAIN VALLEY HOUSING AUTHORITY AND THE RELATED COMPANIES OF CALIFORNIA, LLC TO FUND ACQUISITION OF REAL PROPERTY LOCATED AT 16790 HARBOR BOULEVARD, FOUNTAIN VALLEY FOR THE PROPOSED DEVELOPMENT OF A 50-UNIT AFFORDABLE HOUSING PROJECT

**MOTION:** Brothers     **SECOND:** Vo

**AYES:** Constantine, Harper, Vo, Brothers, Nagel

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION**

Councilmember Constantine requested that the City Council consider a name change for the Committee for the Disabled to the Advisory Committee for Person with Disabilities. The motion was seconded by Councilmember Vo. Mayor Pre Tem Brothers requested that when this item is brought back before council, to make sure this change would be in compliance with ADA laws.

Councilmember Harper requested that the Planning Commission review the Ordinance in regards to new construction and size requirements of homes in the R1 zones. Once the ordinance is reviewed by the Planning Commission, he would like the Ordinance to come back before the City Council for review as well. This item was seconded by Councilmember Constantine.

**CITY COUNCIL/ SUCCESSOR AGENCY/ HOUSING AUTHORITY/ PUBLIC COMMENTS**

(Unscheduled Matters Only)

## **APPOINTMENTS**

22. City of Fountain Valley Committee and Commissions Appointments for the Planning Commission, Advisory Committee for the Disabled, Fountain Valley Community Foundation and the Measure HH Advisory Committee

The City Council used a regular ballot and voted for who they felt should represent each committee. There was no point system used for the purpose of appointing candidates.

### **PLANNING COMMISSION APPOINTMENTS FOR 2019**

Applicants:

Herman Jack Ajamian  
Dave Osborn  
Azzam Saad  
Brian Holeman  
Glenn Grandis  
Michael White  
Tom Nguyen  
William Spear  
Evan Jorgensen

By a 4-1 vote, the City Council voted to Appoint Azzam Saad. By a 3-2 vote, the City Council voted to appoint Dave Osborn. By a 3-2 vote, the City Council voted to appoint William Spear to fill the remainder of the vacated seat left by Patrick Harper. The seats appointed to Azzam Saad and Dave Osborn will last until January, 2021. The seat filled by Bill Spear will last until January, 2020. The City Council, by 3-2 vote, appoint Brian Holeman to the alternate position for a 1 year term.

### **ADVISORY COMMITTEE FOR THE DISABLED 2019**

By a 5-0 vote, the following applicants were appointed to the Committee for the Disabled for 2 years:

Susanne Seiden  
Gary Osterbach  
Herman Jack Ajamian  
John Borack  
Ramon Galvez-Arango  
Theresa Coakley  
Lawrence Judson  
Anna Nagmay  
Tom Nguyen  
John Collins  
Leonard Santoro

### **FOUNTAIN VALLEY COMMUNITY FOUNDATION 2019**

Applicants:

Jan Heistermann  
Glenn Grandis  
Jason Cooper Ross  
Larry Crandall  
Barbara Montz

By a unanimous 5-0 vote, the City Council voted to appoint all 5 applicants whose terms will expire in January, 2021.



## **MEASURE HH OVERSIGHT COMMITTEE**

The City Council voted by ballot for the following residents to be appointed to the Measure HH Oversight Committee:

Resident who voted Against Measure HH – Evan Jorgensen by a 5/0 vote in favor. This term will now expire in December 2021.

Resident at Large – Margie Drilling by a 5/0 vote. This term will now expire in December 2021.

Committee Alternate – Stephen Schwarz by a 5/0 vote in favor, this term will expire in December 2019.

## **CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY AB 1234/GENERAL COMMENTS**

### **Council Member Constantine**

January 3 Attended the Advisory Committee for the Disabled as part of my City Council appointment.

January 7 Attended a meeting with the City Manager and Staff to learn about the Successor Agency and that evening attended the swearing in event of District Attorney Todd Spitzer

January 8 Attended the meeting of the Huntington Valley Impact Republicans and was captivated by Sandra Crandall's presentation on a recent Supreme Court Case Janus vs. AFSCME.

January 9 Attended a tour of the Republic Trash Company Facilities and attended the Planning Commission meeting that night

January 11 Attended the Fountain Valley Chamber of Commerce Breakfast and heard the latest on the 405 Improvement Project.

January 12 Attended the General Plan Meeting

January 14-15 Attended the Interviews for the City Committees and Commissions

January 15 Attended the Most Improved Student Breakfast at the Rotary Club.

January 16-17 Attended the Grocery Outlet Grand Openings.

January 16 Attended the Mile Square Park Expansion

January 17 Attended the OC Library Advisory Board Meeting as part of my City Council appointment.

January 18 Attended the State of the Schools Breakfast

### **Council Member Harper**

January 8 Attended the Orange County Supervisors swearing in Ceremony

January 14-15 Attended the Interviews for the City Committees and Commissions

January 16 Attended the Mile Square Park expansion meeting

January 17 Attended the Grand Opening of Grocery Outlet

January 18 Attended the State of the Schools Breakfast

January 20 Attended the Historical Society Meeting

### **Council Member Vo**

January 15 Attended the Interviews for the City Committees and Commissions

January 16 Attended the PCTA Meeting

January 17 Attended the Fountain Valley Community Foundation Meeting

January 18 Attended the State of the Schools Breakfast

## Mayor Pro Tem Brothers

January 8 Attended the Orange County Supervisors swearing in Ceremony  
January 8 Attended the Summerfest meeting  
January 10 Attended the Chamber Government Affairs Committee  
January 11 Attended the Chamber Breakfast  
January 11 Attended the General Plan Advisory Committee bus tour  
January 16 Attended the PCTA Meeting  
January 16 Attended the OC Parks Expansion Community Meeting  
January 16 Attended the Grocery Outlet Preview Opening  
January 17 Attended the Orange County Vector Control Committee and Board Meeting  
January 17 Attended the Fountain Valley Volunteer Committee Meeting  
January 18 Attended the State of the Schools Breakfast  
January 20 Attended the Fountain Valley Historical Society General Meeting  
January 22 Attended the PCTA Subcommittee Meeting with the City of Huntington Beach

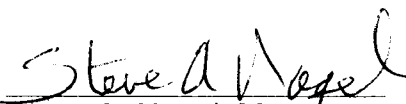
## Mayor Nagel

December 19 Attended the OCSD Board Meeting  
December 19 Attended the General Plan Advisory Committee (GPAC) Meeting  
December 20 Attended the Community Foundation Christmas Party  
January 8 Attended the Orange County Supervisors swearing in Ceremony  
January 10 Attended the ACC-OC City Leadership reception at Angel's Stadium  
January 11 Attended the Chamber Legislative Breakfast  
January 14 Attended the Interviews for the City Committees and Commissions  
January 15 Attended the Rotary meeting for most improved student recognition awards  
January 15 Attended the Interviews for the City Committees and Commissions  
January 16 Attended the Grocery Outlet Preview Opening  
January 16 Attended the OC Parks Expansion Community Meeting at Freedom Hall  
January 17 Attended the Grocery Outlet Ribbon Cutting and Grand Opening  
January 18 Attended the State of the Schools Breakfast  
January 18 Attended the Boys and Girls Club of Huntington Valley Finance Meeting at Golden West College


## ADJOURN THE MEETING OF THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY

Mayor Nagel reconvened Closed Session at 8:57 p.m.

Mayor Nagel adjourned the meeting at 9:32 pm to the next Regular Meeting of the Fountain Valley City Council on February 5, 2019 at 6:00 p.m., in the Fountain Valley Council Chambers, 10200 Slater Avenue, Fountain Valley.

  
Steve A. Nagel, Mayor

Attest:

  
Rick Miller, City Clerk