

**CITY OF FOUNTAIN VALLEY**  
**REGULAR COUNCIL MEETING**

**JANUARY 16, 2007**

**MINUTES**

**CLOSED SESSION – 6:30 p.m.**

Closed Session To Discuss Anticipated Litigation For Daniel M. Guerrero vs. City of Fountain Valley; WCAB No. ANA 0388011, ANA 0388012, and ANA 0389922; Claim No. 04-36596 and 05-38105, and Anticipated Litigation For Aiden Naughton vs. City of Fountain Valley, WCAB No. AHM 0123942, Claim No. 00-22767 Pursuant To Government Code C 54956.9(a)

Mayor Ayer called the meeting to order at 6:30 p.m. All Council Members were in attendance. He recessed the City Council meeting to Closed Session per the above listed Government Code Section.

**REGULAR MEETING**

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

**CLOSED SESSION**

Mayor Ayer reported at the closed session that Council gave direction to the City Attorney regarding the above listed anticipated litigation.

**INVOCATION**

Police Chaplin Arvin Gowens gave the invocation.

**SALUTE TO THE FLAG**

Council Member Crandall 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: City Manager Ray Kromer, City Attorney Alan Burns, Administrative Services Manager Don Heinbuch, Community Services Manager Mark Nix, Environmental Services Administrator Steve Hauerwaas, Fire Chief Bill Walker, Fire Marshall Randy Anno, Finance Director Liz Fox, Personnel Manager Jean Hirai, Planning Director Andy Perea, Planner Robert Franklin, Police Chief Paul Sorrell, Public Works Director/City Engineer Mark Lewis, City Clerk Robin Roberts.

## **APPROVAL OF MINUTES**

Motion by Mayor Pro Tem Collins, seconded by Council Member Carrozzo, to approve the minutes of the regular City Council meetings held on December 5, 2006, December 19, 2006, and the Special City Council meetings held on January 9, 2007 and January 10, 2007, noting the correction to the December 19, 2006 minutes as distributed.

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

## **PRESENTATIONS**

Don Han of the Orange County Human Relations Commission presented and distributed the Commission's Annual 2005/2006 report. Mr. Han reported that in the 2005/2006 year there were no hate crimes in Fountain Valley.

Mayor Ayer presented retiring Fire Engineer Ron Chamberlain, a proclamation from the City of Fountain Valley, thanking him for his years of service and leadership.

## **PUBLIC APPEARANCES – ORAL COMMUNICATIONS – (Scheduled Matters Only)**

Mayor Ayer announced that those wishing to speak on Agenda Items 1 through 9 should identify themselves by providing a speaker card to the City Clerk.

## **PUBLIC HEARINGS**

None

## **READING OF ORDINANCES**

Motion by Council Member Carrozzo, seconded by Mayor Pro Tem Collins, to waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

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

## **ORDINANCES FOR INTRODUCTION**

An Ordinance To Consider Amendment of Fountain Valley Municipal Code Chapter 18.06 – Grading

Ordinance No. 1392 An Ordinance Of The City Council Of The City Of Fountain Valley Amending The Grading Ordinance To Transfer Responsibilities To the City Building Official

A report was provided by Environmental Services Administrator Steven Hauerwaas summarizing the staff report presented to Council. He noted that the proposed ordinance is to change the focus of the reviewing process from the Public Works Department to the City Building Official.

Mr. Hauerwaas then recommended that Council approve the introduction of Ordinance No. 1392 and passage to a second reading for adoption.

Mayor Pro Tem Collins inquired if this ordinance included any changes to the grading requirements or technical changes.

Mr. Hauerwaas confirmed that it was for administrative purposes only.

Mayor Ayer read the title of Ordinance No. 1392.

Mayor Pro Tem Collins moved to introduce Ordinance No. 1392 and pass to a second reading and adoption, seconded by Council Member Crandall.

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

#### **ORDINANCES FOR ADOPTION**

None

#### **CONSENT CALENDAR**

Council Member Carrozzo requested Item 9 be pulled from the Consent Calendar.

Motion by Council Member Crandall, second by Mayor Pro Tem Collins, to approve the Consent Calendar, Items 2 through 8.

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

2. Authorize To Enter Into A Lease/Purchase Agreement With U.S. Bank For A Ricoh Model MP9000 Digital Copier And To Waive Bidding Requirements Per FVMC 2.36.110 (5) )

Approval of the Lease/Purchase with U.S. Bank and waive the bidding requirements.

3. Authorize To Renew The Contract For Emergency Ambulance Transportation Service With Care Ambulance, Inc. For February 1, 2007 Through January 31, 2008, CON 98-3

Approval to renew the Care Ambulance Contract (CON-98-3)

4. Approval To Waive Bidding Requirements And Authorize To Issue A Purchase Order For One (1) 2007 Ford Escape Hybrid Fuel Vehicle Utilizing The Cooperative Contract Held By The City Of Los Angeles And Authorize Staff To Send The Surplus Vehicle To Auction

Approved waiving the bidding requirements and authorized staff to issue a purchase order for the hybrid fuel vehicle and send surplus vehicle to auction.

5. Approve The License Agreement Between The City Of Fountain Valley And Barnard Soletanche Joint Venture For Temporary Use Of A Portion Of The Fountain Valley Recreational Center For Orange County Sanitation District's Ellis Avenue Trunk Sewer Project

Approval of the license agreement for temporary use of the Fountain Valley Recreation Center.

6. Amend The Traffic Improvement Fund (Fund 24) Budget For Fiscal Year 2006-2007 In the Amount Of \$75,000 To Fund The City Of Fountain Valley's Share Of The City Of Huntington Beach's Garfield Avenue Central Valley Flood Control Channel Improvement Project

Amended the Traffic Improvement Fund Budget to fund the City's share of the Flood Control Channel Improvement Project.

7. Repeal Obsolete Council Policies, As Outlined, No Longer Needed Because Of Changes In State Law; Incorporation Into Ordinance/Resolutions Or Consolidation Into New Council Policies

Repeal obsolete Council Policies as outlined.

8. Approve To Waive The Bidding Requirements And Authorization To Issue A Purchase Order For Five 2007 Police Black And Whites, Two 2007 Police Administration Vehicles and One 2007 Detective vehicle Through The Existing Contract With The Orange County Sheriff's Department Held By Villa Ford And Authorization To Send the Surplus Vehicles to Auction

Approved the purchase of eight police vehicles and authorized that the surplus vehicles be sent to auction.

Council Member Carrozzo stated that he pulled Item 9 as he had voted against the approval of this action at the previous City Council meeting.

9. Adopt Resolution No. 9109 Memorializing The City Council's Approval Of Variance No. 257 For The Cancun Mexican Grill Located At 18010 Newhope Street, Suite A

Adopt Resolution No. 9109 memorializing the City Council's approval of Variance No. 257 for the Cancun Mexican Grill.

Motion by Council Member Carrozzo, seconded by Council Member Brothers, to adopt Resolution No. 9109 approving Variance No. 257.

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

**ADMINISTRATIVE ITEMS**

None

**PRESENTATION OF DEMANDS**

- (1) Ratification of Payroll: 258634-258636, 263530-263665  
258633, 263516-263529

Motion by Council Member Crandall, seconded by Council Member Brothers, to ratify the payroll as listed above, by the following roll call vote:

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

- (2) Consideration of Register of Demands: 157886-157935, 157936-157944  
157945-157964, 157965-158107  
158108-158110, 158111-158123  
158124-158133, 158134-158168  
158169-158248, including electronic bank transfers

Motion by Council Member Crandall, seconded by Council Member Carrozzo, to approve the Register of Demands as listed above, including the electronic bank transfers, by the following roll call vote:

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

**RECESS**

Mayor Ayer recessed the regular Council meeting at 7:09 p.m. to an Agency for Community Development meeting.

**RECONVENE**

Mayor Ayer reconvened the regular Council meeting at 7:10 p.m. with all Council Members present.

## WRITTEN COMMUNICATIONS

None

## PUBLIC APPEARANCES -- ORAL COMMUNICATIONS -- (Unscheduled Matters Only)

John Carlisle gave an update on the appeal for his conviction, and his complaints against the Police Department. He further stated the Superior Court of the State of California will be granting him a hearing on this matter.

Andrea Hanson, EHS Engineer for Kingston Technology spoke regarding concerns for the safety risks incurred by their employees on a daily basis due to the difficult traffic conditions near the business property in the vicinity of Newhope Street and Slater Avenue.

After questions by Mayor Ayer, City Manager Raymond Kromer provided information regarding intersection upgrade scheduling, right-of-way issues, and current traffic patterns that may relate to construction near the above stated area.

## APPOINTMENTS: Boards, Commissions, Committees

The following appointments were made by Council, by ballot votes:

### Planning Commission

Margie Drilling  
Cal Winslow  
Ronald A. Walker (Alternate)

### Community Services Commission

Dennis Moss  
Clarence Alvey, Jr.  
Steve Nagel (Alternate)

### Housing and Community Development Board

Thomas Leeman	Dieter Kammerer
Ruth Rosewitz	Joel Mark McCurdy
R. Lynn Seeden (Alternate)	

### Traffic Advisory Committee

Eric Verstraete	William Raabe
Steve Nagel	Joel Mark McCurdy (Unexpired 1 Year Term)
Vacancy (Alternate)	

### Advisory Committee for the Disabled

Mark Carfi	Theresa Coakley
Lawrence Judson	Carol Spencer
Susan Seiden	Anna Nagmay
Lory Merk	Gael Traer

## **COUNCIL COMMENTS**

### **A. Outside Committee Activities**

Council Member Carrozzo reported on the Orange County Library Advisory Board highlighting statistics of services provided to the public.

Mayor Pro Tem Collins reported that next year's schedule was generated at the meeting for the Advisory Committee of the Disabled.

Council Member Brothers reported that Time Warner, Inc. had presented a proposal at the last Public Cable Television Authority meeting.

Council Member Crandall reported that he been asked and accepted to Chair the Engineering and Operations Committee with the Orange County Sanitation District.

Mayor Ayer spoke regarding efforts to revive the West Orange County Cities Association to look specifically at the Orange County Transportation Authority's "Go Local" program, funded by Measure M. He further mentioned his attendance at the Swedish Consulate for a dinner event surrounding environmental issues.

Council Member Crandall commended Mayor Ayer on his efforts in gaining interest in the OCTA's "Go Local" program.

### **B. General Comments**

Council Member Carrozzo mentioned a press report regarding Fountain Valley having the lowest reported crime incidents, and congratulated the police department and the police chief on their efforts.

Mayor Pro Tem Collins further congratulated the police department under the direction of Police Chief Paul Sorrel for the decrease in reported crime incidents.


Council Member Brothers thanked the applicants for applying to the open positions on the boards, commissions, and committees, and suggested to those applicants that had not been appointed, to keep involved and keep applying.

Council Member Crandall thanked the applicants to the boards, commissions, and committees, as well as congratulating the police department on the above stated report. He further reported on the opening of the intersection at Bushard Street and Ellis Avenue.

Mayor Ayer thanked the police department for their increase in traffic citations issued last year and the lower incidents of speeding within the City.

## ADJOURNMENT


Mayor Ayer adjourned the regular meeting of the Fountain Valley City Council at 7:40 p.m. in memoriam of Dick Horak and Maralee Stephens.



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Gus Ayer, Mayor  
City of Fountain Valley

ATTEST:



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Robin Roberts  
City Clerk