

CITY OF FOUNTAIN VALLEY REGULAR COUNCIL MEETING

December 16, 2008

MINUTES

CALL TO ORDER

Mayor Carrozzo called the City Council meeting to order at 7:03 p.m.

INVOCATION

Mayor Pro Tem Crandall gave the invocation.

SALUTE TO THE FLAG

Mayor Carrozzo led the salute to the flag of the United States of America.

ROLL CALL

Council Members Present: Nagel, Crandall, Carrozzo, Brothers
Council Members Absent: Collins

Also Present: City Manager Ray Kromer, City Attorney Alan Burns, Community Services Manager Mark Nix, Deputy City Clerk Kathy Heard, Finance Director/City Treasurer Elizabeth Fox, Fire Chief Bill Walker, Housing Coordinator Brent Hoff, Management Analyst Matt Mogensen, Personnel Manager Jean Hirai, Planning Director Andy Perea, Police Chief Paul Sorrell, Public Works Director/City Engineer Mark Lewis and City Clerk Robin Roberts.

APPROVAL OF MINUTES

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

- **Motion by Council Member Brothers, second by Council Member Nagel, to approve the minutes of the City Council meeting held on December 2, 2008 as distributed.**

Ayes: Nagel, Crandall, Brothers, Carrozzo
Noes: None
Absent: Collins

Motion Carried

PRESENTATIONS

There were no presentations scheduled for this meeting.

PUBLIC HEARING

There were no public hearings scheduled for this meeting.

READING OF ORDINANCES

There were no ordinances for introduction or adoption scheduled for this meeting.

CONSENT CALENDAR

1. Adoption of a Resolution Formally Electing to Receive City's Share of Tax Increment from the Industrial Area Redevelopment Project Area.

Resolution No. 9193 A Resolution of the City Council of the City of Fountain Valley Electing to Receive all or a Portion of the City's Share of Tax Increment from the Industrial Area Redevelopment Project Area Pursuant to Section 33607.5 of the Community Redevelopment Law of the State of California

2. Approval of a Resolution of the City of Fountain Valley City Council Establishing Laserfiche Software as a Trustworthy Electronic Document Management System and Amending the City's Records Management Program to Authorize the Destruction of Hardcopy Documents after a Document is in Laserfiche.

Resolution No. 9194 A Resolution of the City Council of the City of Fountain Valley Determining that Laserfiche Version No. 7 is a Trustworthy System and Authorizing the Destruction of Hardcopy Documents after a Laserfiche Reproduction has been made.

3. Adoption of a Resolution of the Fountain Valley City Council Authorizing the Application to the California Energy Commission Energy Partnership Program.

Resolution No. 9195 A Resolution of the City Council of the City of Fountain Valley to Apply to the California Energy Commission Energy Partnership Program.

4. Approval of FY 2007-2008 Annual Report for the Fountain Valley Agency for Community Development.

5. Renewal of the Orange County Animal Care Services Agreement Between the City of Fountain Valley and the County of Orange for January 1, 2009 – June 30, 2009 (Contract 99-49).

6. Acceptance of Bids and Award of a Contract to Garcia Juarez Construction, Inc. in the Amount of \$1,019,820 for the Construction of a 16" Transmission Main for Well No. 9, and Approval of Amendment No. 1 in an Amount Not to Exceed \$81,540 to AKM Consulting Engineers, Agreement No. CON 07-61 for Construction Management Services Related to the Construction of the 16-Inch Transmission Main for Well No. 9, Project No. WU 832.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Brothers to approve Consent Calendar Items 1 through 6.**

Ayes: Nagel, Crandall, Brothers, Carrozzo

Noes: None

Absent: Collins

Motion Carried

ADMINISTRATIVE ITEMS

7. City Council Website Links Policy.

Management Analyst Matt Mogensen summarized information provided in the staff report included in the agenda packet regarding the Website Links Policy. Mr. Mogensen noted that the purpose of the Policy is to establish the nature in which links to outside entities may be permitted on the City's website. There was Council discussion regarding the policy including the need to name the City Manager's designee as the Management Analyst.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Brothers to approve Administrative Item 7 with the modification of naming the Management Analyst as the City Manager's designee.**

Ayes: Nagel, Crandall, Brothers, Carrozzo,

Noes: None

Absent: Collins

Motion Carried

PRESENTATION OF DEMANDS

- (1) Ratification of Payroll: Payroll Check numbers 258699, 264497-264503 and Direct Deposit Vouchers as listed in the report

- **Motion by Mayor Pro Tem Crandall, second by Council Member Nagel to ratify the payroll listed in the report provided by the Finance Director/City Treasurer by the following roll call vote:**

Ayes: Nagel, Crandall, Brothers, Carrozzo

Noes: None

Absent: Collins

Motion Carried

(2) Consideration of Register of Demands: Check numbers 168775-168970, ACH Vendor Payments, and electronic transfers as listed in the report

- **Motion by Mayor Pro Tem Crandall, second by Council Member Nagel to approve the register of demands listed in the report provided by the Finance Director/City Treasurer by the following roll call vote:**

Ayes: Nagel, Crandall, Brothers, Carrozzo

Noes: None

Absent: Collins

Motion Carried

RECESS

Mayor Carrozzo recessed the City Council Meeting to a meeting of the Fountain Valley Agency for Community Development at 7:17 p.m.

RECONVENE

Mayor Carrozzo reconvened the City Council Meeting with all members present except Council Member Collins, at 7:54 p.m.

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)

There were no requests to speak publically on unscheduled matters.

APPOINTMENTS

- Approval of Lillian Kammerer's application to the Orange County Senior Citizens Advisory Council, League of California Cities.

Council Member Brothers clarified that this position is an Orange County League of California Cities appointment rather than a League of California Cities appointment.

- **Motion by Council Member Brothers, second by Mayor Pro Tem Crandall, to approve the submitting of Lillian Kammerer's application to the Orange County Division of the League of California Cities for appointment to the Orange County Senior Citizens Advisory Council.**

Ayes: Nagel, Crandall, Brothers, Carrozzo

Noes: None

Absent: Collins

Motion Carried

Mayor Carrozzo announced the recommended Committee appointments as follows:

Committee	Delegate	Alternate
Advisory Committee for the Disabled	Collins	Nagel
Fountain Valley Community Foundation	Nagel	None
Public Cable Television Authority (PCTA)	Brothers/Carrozzo	
Santa Ana River Flood Protection Agency	Collins	Lewis
League of California Cities	Carrozzo	Mayoral Rotation
Southern California Joint Powers Insurance Authority	Collins	Kromer
Legislative Committee	Brothers/Nagel	
Orange County Sanitation District	Crandall	Collins
Interjurisdictional Planning Forum (GMA 2)	Crandall	Lewis
Interjurisdictional Planning Forum (GMA 6)	Crandall	Lewis
Orange County Library Advisory Board	Nagel	None
OCTA I-405 Policy Working Group (PWG)	Crandall/Collins	
OCTA Central County Corridor MIS Policy Advisory Committee	Crandall/Collins	
Orange County Council of Governments	Brothers	None

Council Member Crandall stated that he has concerns of a conflict of interest related to the appointment of Council Member Collins to be appointed to the Orange County Sanitation District as his spouse is currently an employee of the District. He then stated for the record that, he has received from the (Fountain Valley) School District legal services the Conflict of Interest statutes which are based on the belief that an elected member cannot serve two masters simultaneously and that the duties of public office demand the absolute loyalty, undivided, and uncompromised allegiance of the individual who holds that office. The purpose of the Conflict of Interest statute is to eliminate temptation, avoid the appearance of impropriety, and limit the ability of improper personal influence on the elected member's decision. Mayor Pro Tem Crandall noted that he would like to avoid the appearance of impropriety of the City of Fountain Valley.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Brothers to appoint Council Member Steve Nagel as alternate to the Orange County Sanitation District appointment.**

Mayor Carrozzo suggested that we reconsider this item when Council Member Collins is present to further discuss.

Mayor Pro Tem Crandall then called for the vote.

Ayes: Nagel, Crandall, Brothers
 Noes: Carrozzo
 Absent: Collins

Motion Carried

Mayor Carrozzo stated that Council Member Nagel has been appointed as the alternate to the Orange County Sanitation District.

Council Member Brothers clarified for the Council that with respect to the Orange County Council of Governments, the City of Newport Beach is the delegate and that her appointment as a City of Fountain Valley Council Member is an alternate appointment.

Council Member Brothers discussed the appointment to the Public Cable Television Authority (PCTA) second delegate position, noting that the position requires technical skills and would benefit from an appointment that would offer longevity.

- **Motion by Council Member Brothers, second by Mayor Pro Tem Crandall, to appoint Council Member Steve Nagel as the second delegate to the Public Cable Television Authority.**

Mayor Carrozzo stated that he is concerned that Council Member Brothers comments suggested that he cannot keep up with the changes. He requested that he be considered for the second delegate position.

Ayes: Crandall, Brothers
Noes: Carrozzo
Abstained: Nagel
Absent: Collins

Council Member Crandall stated that the matter would need to be brought back to the next Council meeting.

Motion Failed

- **Motion by Mayor Pro Tem Carrozzo, second by Council Member Brothers, to approve the balance of the appointments as listed by Mayor Carrozzo.**

Ayes: Nagel, Crandall, Brothers, Carrozzo
Noes: None
Absent: Collins

Motion Carried

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


Mayor Pro Tem Crandall commented on the activities related to his appointment on the Orange County Sanitation District. He then noted the upcoming City of Fountain Valley Employee Luncheon.

Council Member Brothers noted that in the third week of January she will be attending a committee meeting for the League of California Cities Annual Conference to establish conference programming. She then offered for City staff to provide any comments for program suggestions.

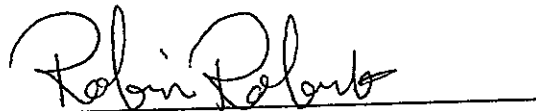
Council Member Nagel noted that during January 21 to January 23 of 2009 he will be attending the Newly Elected Mayor and Council Member Conference presented by the League of California Cities in Sacramento.

ADJOURNMENT

Mayor Carrozzo adjourned the City of Fountain Valley City Council meeting to the next scheduled meeting on Tuesday, January 20, 2009.



Guy Carrozzo, Mayor
City of Fountain Valley



Robin Roberts, CMC
City Clerk