

**CITY OF FOUNTAIN VALLEY
CITY COUNCIL
AGENCY FOR COMMUNITY DEVELOPMENT**

**MINUTES
January 20, 2009**

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

INVOCATION

Pastor Karl Vaters gave the invocation.

SALUTE TO THE FLAG

Council Member John J. Collins gave the salute to the flag of the United States.

Closed Session Report

City Attorney Alan R. Burns reported that at the closed session held this date at 6:00 p.m. pursuant to Government Code Section 54956.9 (c) the City Council voted unanimously to initiate a claim against the County of Orange for overcharging of tax collection services. He then stated that no action was taken during the closed session held pursuant to Government Code Section 54957.6 regarding labor negotiations.

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

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 the approval of the minutes of the regular City Council meeting held on January December 16, 2008.

- **Motion by Council Member Nagel, second by Mayor Pro Tem Crandall, to approve the minutes of the City Council meeting held December 16, 2008 as distributed.**

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

Motion Carried

Consideration of approval of the minutes of the regular Agency for Community Development held December 16, 2008.

- **Motion by Council Member Nagel, second by Mayor Pro Tem Crandall, to approve the minutes of the Agency for Community Development meeting held December 16, 2008 as distributed.**

Ayes: Nagel, Crandall, Brothers, Carrozzo

Noes: None

Abstain: Collins

Motion Carried

PRESENTATIONS

There are no presentations scheduled for this meeting.

READING OF ORDINANCES

- **Motion by Council Member Collins, second by Mayor Pro Tem Crandall, to approve the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.**

Ayes: Nagel, Collins, Crandall, Brothers, Carrozzo

Noes: None

Motion Carried

PUBLIC HEARINGS

1. (Council) Public hearing to consider the introduction of an amendment of the Fountain Valley Floodplain Ordinance.

ORDINANCE NO. 1426 An Ordinance of the Fountain Valley City Council Amending Section 21.14.040 of the Fountain Valley Municipal Code in reference to the Fountain Valley Floodplain Area

Deputy Fire Marshal Adria Paesani provided a PowerPoint presentation and a report regarding the public hearing matter by summarizing information provided in the staff report included in the agenda packet, noting that changes made were administrative in nature as directed by the Federal Emergency Management Agency (FEMA) and approved by the Planning Commission.

Mayor Carrozzo opened the public hearing.

Mayor Carrozzo then closed the public hearing having no request to speak publicly on the matter.

- **Motion by Council Member Collins, second by Mayor Pro Tem Crandall, to approve the introduction of Ordinance No. 1426 and passage to second reading for adoption.**

Ayes: Nagel, Collins, Crandall, Brothers, Carrozzo

Noes: None

Motion Carried

2. (Council) Public Hearing to consider the introduction of an ordinance to amend the Fountain Valley Municipal Code Chapter 21.22.080, Code Amendment No. 08-05, Residential Driveway Requirements.

ORDINANCE NO. 1427 An Ordinance Of The Fountain Valley City Council Approving Code Amendment No. 08-05 Amending The Residential Driveway Provisions Of The Fountain Valley Municipal Code

Planning Director Andy Perea provided a brief summary of the proposed ordinance noting information provided in the staff report included in the agenda packet.

Mayor Carrozzo opened the public hearing.

Anthony Romano, a Fountain Valley resident spoke regarding his concerns of the process and expense thereof, noting that he has been through a driveway modification.

Mayor Carrozzo then closed the public hearing having no further requests to speak publicly on the matter.

- **Motion by Council Member Collins, second by Mayor Pro Tem Crandall, to approve the introduction of Ordinance No. 1427 and passage to second reading for adoption.**

Ayes: Nagel, Collins, Crandall, Brothers, Carrozzo

Noes: None

Motion Carried

CONSENT CALENDAR

Action: *If desired, motion to approve Items 3 through 6.*

3. (Council) Adoption of a Resolution of the Fountain Valley City Council designating signature authority for the appropriation of grant funds from the 2008 Emergency Management Performance Grant (EMPG) Program.

RESOLUTION NO. 9196 A Resolution of the Fountain Valley City Council Designating Signature Authority for the Appropriation of Grant Funds from the 2008 Emergency Management Performance Grant (EMPG) Program

4. (Council) Adoption of a resolution of the Fountain Valley City Council authorizing the application to the California Department of Forestry and Fire Protection for their "Urban Forestry Program: Tree Planting Green Trees for the Golden State Program".

RESOLUTION NO. 9197 A Resolution of the Fountain Valley City Council Approving the Application for Funding from the Urban Forestry Grant Program Entitled, "Urban Forestry: Tree Planting Green Trees for the Golden State", as Provided Through Propositions 40 and 84

5. (Council) Authorization to renew the contract for emergency ambulance transportation service with Care Ambulance, Inc. for February 1, 2009 through January 31, 2010.
 6. (Council) Amendment of the Gas Tax Fund (FUND 23) for FY 2008/2009 in the amount of \$1,500,000 to appropriate State Proposition 1B Funds for the City of Fountain Valley's Collector Street Pavement Rehabilitation Project.
- **Motion by Council Member Collins, second by Mayor Pro Tem Crandall, to approve the Consent Calendar Items 3 through 6.**

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

ADMINISTRATIVE ITEMS

7. (Council) Approval of a Matching Parkway Tree Planting Program and authorization to amend the City's Fee Schedule for parkway trees to encourage re-forestation; and return to Council on February 3, 2009 with a resolution approving the amendment of the Fee Schedule and Policy.

Director of Public Works Mark Lewis presented information provided in the staff report included in the agenda packet noting that the program is proposed to promote reforestation. He related cost to the City and residents, and noted that the report is submitted to address concerns previously stated by Council including the sunset date which has been removed, cost, and the authorized tree lists.

There was Council discussion regarding the unauthorized tree list intent, cost concerns, fiscal funding and process in which requests to replace trees will be addressed. Mr. Lewis offered that tree replacement will generally be on a first-come first-serve basis, with emergency or urgent situations taking priority, that grant funding is being explored, and that staff will return to Council should there be a fiscal or procedural need to do so.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Brothers, to approve the Matching Parkway Tree Planting Program and authorization to amend the City's Fee Schedule for parkway trees to encourage re-forestation; and return to Council on February 3, 2009 with a resolution approving the amendment of the Fee Schedule and Policy.**

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

Motion Carried

PRESENTATION OF DEMANDS

(1) Council Ratification of Payroll: Payroll Checks and Direct Deposit Vouchers as listed in the report.

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

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

Motion Carried

(2) Council Consideration of Register of Demands: Checks, 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, Collins, Crandall, Brothers, Carrozzo
Noes: None

Motion Carried

(3) Agency Register of Demands: Electronic transfers as listed in the report.

- **Motion by Agency Vice Chair Crandall, second by Agency Member Collins to approve the electronic bank transfers as listed in the report by the following Agency roll call vote:**

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

Motion Carried

APPOINTMENTS:

- 1) (Council) Public Cable Television Authority (PCTA) Alternate Delegate seat
 - Establish criteria for position
 - Make appointment
- **Motion by Council Member Brothers, second by Mayor Pro Tem Crandall, that the Council consider the action voted upon at the previous Council meeting, appointing Council Member Nagel as the second delegate to the PCTA be upheld.**

Council Member Brothers noted that based on the City Attorney communication provided after the past Council meeting, the statement regarding the aforementioned motion not passing was erroneous.

Mayor Pro Tem Crandall noted he concurs that the vote was valid.

City Attorney Alan R. Burns noted that the vote passed under Roberts Rules of Order, however the two-one vote taken was noted as failing, and as the Mayor declares the actions taken, having no one object to said declaration, the motion failed.

Council Member Nagel stated that he declined the appointment.

Council Member Brothers withdrew the motion.

- **Motion by Council Member Brothers to appoint Council Member Nagel as the second PCTA delegate. Motion died due to lack of a second.**

At the inquiry of the City Attorney, Mayor Pro Tem Crandall noted that he had requested that the City Manager agendaize the matter of establishing criteria for the PCTA Council appointments, however at this time it would appear to be a matter to return to at a later date.

- **Motion by Council Member Collins, second by Council Member Nagel to appoint Mayor Carrozzo as the second Council delegate for the PCTA.**

Council Member Brothers further discussed the matter regarding criteria of Council appointments including technical aspects and Council terms, noting that she and Mayor Carrozzo were on the same election cycle, and it might best serve the Board if appointments were made by on staggering based on term expirations.

Mayor Carrozzo read a statement that noted concerns of establishing such criteria for the PCTA appointment making note of other appointments that have no such criteria including the Orange County Sanitation District and California Joint Powers Insurance Authority.

Ayes: Nagel, Collins, Carrozzo

Noes: Brothers

Abstain: Crandall

Motion Carried

2) (Council) 2009 Appointments to City Committees, Commissions, and Boards

- **Motion by Council Member Brothers to continue all listed appointments until the next Council meeting in consideration of her memorandum of potential board, commission, and committee consolidations. Motion died due to lack of a second.**

Council then voted to appointed Margie Drilling and Ronald Walker to Planning Commission.

- **Motion by Council Member Brothers, second by Council Member Nagel, to delete the position of Alternate to the Planning Commission for one year, in light of the current economy.**

There was Council discussion regarding the positive fiscal aspects and concerns of continuity.

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

Motion Failed

Council then voted to appoint Carol Proctor in the Alternate Planning Commission position.

Council then voted to appoint Glenn Grandis as the Community Member at Large to the Fountain Valley Community Foundation.

Council then voted to appoint Dennis Moss, Dieter Kammerer and Mary Taddeo as members of the Community Services Commission, and Peter Finnerty as the alternate.

- **Motion by Council Member Brothers that matters of the Traffic Advisory Committee be moved to the responsibility of the Planning Commission. Motion failed due to lack of a second.**

Council then voted to appoint Eric Verstraete, Robert M. Keller and Neil J. Snowden to the Traffic Advisory Committee, and Garo R. Madenlian as alternate.

Council then voted to appoint Thomas Leeman, Jr., Ruth Rosewitz, Stephanie A. Hoeschele and Dan M. McCobb as members of the Housing and Community Development Advisory Board.

- **Motion by Council Member Brothers, second by Mayor Pro Tem Crandall to leave the position of Alternate vacant on the Housing and Community Development Advisory Board.**

There was general discussion regarding the ability to leave the position vacant.

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

Motion Carried

Council then voted to appoint Gary M. Osterbach, Anna Nagmay, Lawrence Judson and Gael Traer to the Advisory Committee for the Disabled.

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)

Anthony Romano, a Fountain Valley resident spoke regarding his concerns of the Rainbow Disposal Franchise Agreement including price increases and questioned the bidding requirements for such contracts, and discussed his concerns on the use of the synthetic grass products.

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

Council Member Nagel stated that he would be out of town the rest of the week at the Newly Elected Council Member Conference in Sacramento.

Mayor Pro Tem Crandall noted his attendance at the Ground Water Replenishment Program meeting, and upcoming meeting for the Orange County Sanitation District.

Council Member Brothers noted that she would be in Sacramento for a meeting at the League of California Cities.

Mayor Carrozzo stated the significance of today's date for historians in reference to the presidential inauguration.

Council Member Collins noted that he will be attending a Santa Ana River Flood Protection Agency meeting tomorrow. He then commented that with respect to the statements recorded in the December 16, 2008 meeting minutes, as a member serving on the Orange County Sanitation District over the past nine years, he has sought and received information from the City Attorney and believes that there are no conflicts of interest with said service.

Mayor Carrozzo adjourned the City of Fountain Valley City Council and Agency for Community Development meeting at 8:27 p.m. in memoriam of Lewis Servaas to the next scheduled meeting of February 3, 2009.

Guy Carrozzo, Mayor/Agency Chair

Robin Roberts, City Clerk/Agency Secretary