

ACTION MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

May 26, 2015
Regular Meeting

CLOSED SESSION

5:30 p.m. – City Council Chambers

ROLL CALL - Mayor Fascenelli called the Closed Session to order at 5:30 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Nelson, Mills and Fascenelli

ABSENT: None

1. Conference with Legal Counsel – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. (One potential case).
2. Public Employee Performance Evaluation – Government Code Section 54957 – Title: City Manager.

ADJOURNMENT

GENERAL SESSION

6:30 p.m. – City Council Chambers

ROLL CALL - Mayor Fascenelli called the General Session to order at 6:30 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Nelson, Mills and Fascenelli

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – led by Mayor Pro Tem Mills

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Girl Scout Silver Awards
- Law Enforcement Advisory Committee update*
- Orange County Fire Authority update
- Orange County Sheriff's Department update
- Orange County Vector Control District update

City Attorney Megan Garibaldi stated there are no reportable actions from closed session.

*Mayor Fascenelli moved Item 13, Law Enforcement Advisory Committee recommendation to City Council, up on the agenda for discussion with the Law Enforcement Advisory Committee update.

Item 13. Law Enforcement Advisory Committee recommendation to City Council

Mayor Fascenelli spoke about the recommendation from the committee that the City Council should file an inverse condemnation claim against Orange Unified School District. (OUSD) The recommendation suggested the City Council file a lawsuit against OUSD. Mayor Fascenelli asked who was present at the meeting and if the public attended. Mr. Rossini replied all members of the Committee, except Councilman Nelson were present. The meeting was open to the public.

Mayor Fascenelli expressed concern that the committee stepped out of their role to recommend this to the City Council. Mr. Rossini said the recommendation was to see if this would be a viable option. He relayed a motion was brought by a committee member, it was seconded, and the committee unanimously approved it.

Mayor Fascenelli stated this item was not on the committee's agenda, so action cannot be taken. She said the City Council has been working on the issue of parking for months. Mayor Fascenelli stated the City Council decided to not go forward with the recommendation.

ORAL COMMUNICATIONS

Mayor Fascenelli opened public comments.

Ben Renejak, introduced himself as the District Representative for Congresswoman Mimi Walters. He welcomed any communication the City Council may have for Congresswoman Walters.

Jim Karrs, Vice President and Chief Operations Officer of Americare Ambulance Services, announced as of June 1, 2015 they would no longer be providing services for the City of Villa Park.

Jay Wasserman, Villa Park resident, spoke about the Law Enforcement Advisory Committee and volunteers for the Professional Services Responders program.

Howard Kirshner, Villa Park resident, suggested the City Council have interaction with the School District board to develop a positive relationship.

Mayor Fascenelli closed public comments.

PUBLIC HEARINGS

3. Waived reading in full of all ordinances and resolutions on the agenda.

It was moved by Councilman Barnett, seconded by Councilman Nelson, and carried by the following roll call vote, to waive the reading in full of all Ordinances, Resolutions and meeting minutes on the agenda, and directed the City Clerk to read by title only.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

4. Consideration of Serrano Avenue Restriping Traffic Plan

Mayor Fascenelli opened public comments.

Wayne Silzel, Villa Park resident, spoke about the importance of public safety and liability issues that may arise. He suggested a restructuring of the traffic pattern should be done.

Mary Beth Felcyn, Villa Park resident, spoke in opposition of the restriping and suggested waiting until the impact of the changes made to Featherhill Drive and Dodson Way are reviewed.

Heidi Mairena, Orange resident, clarified an email from Mary Beth Felcyn regarding a school district PFO telling parents there is no parking on Featherhill Drive. Ms. Mairena said this is not true and that the school district does not dictate where parents park. She also spoke about discussion made with the Hidden Jewel Committee. Ms. Mairena relayed there was inaccurate information emailed to Councilman Barnett. She expressed the need for the City Council to move forward with a solution to promote safety, move traffic and to help the residents of Villa Park.

Mayor Fascenelli closed public comments.

Councilman Barnett spoke about his meeting with Superintendent Mike Christenson. Mr. Christenson relayed the school district had added around 20 to 30 parking spots at the middle school. Councilman Barnett said they discussed restriping and that Superintendent Christenson is willing to speak with OUSD to possibly split the cost of the project. They both agreed safety was the priority. Councilman Barnett said he looked into installing a sidewalk on the west side of Featherhill. He stated there would be a huge opposition on the cosmetic changes to add a sidewalk. He suggested restriping, which will help with the traffic flow and to look at bike lanes at a later date.

Mayor Pro Tem Mills suggested placing cones on the street during the pick-up and drop-off times of school. City Manager Hildenbrand replied it would take too much money and time to set up the cones. The current proposal will increase traffic flow on Serrano.

Councilman Barnett suggested installing anchors in the street and place plastic pop-up cones in them. Planning Manager Ray Pasqua replied it is time consuming and is expensive.

City Manager Hildenbrand reiterated the restriping would be restricting the parking during the day.

Mayor Fascenelli spoke in favor of placing temporary cones to see if it works.

Mayor Fascenelli reopened public comments.

Arlene Whitaker, Villa Park resident, said the cost of this project is increasing and suggested the City Council look into something less expensive.

Mary Beth Felcyn, Villa Park resident, expressed concern that the right two lanes will become permanent.

Donna Buxton, Villa Park resident, said this is the best plan for the city to improve traffic flow. This road has been a huge safety issue when they are blocked with cars and emergency vehicles are not able to get through.

Angela, Villa Park resident, suggested installing a parking lot by the football field at Serrano.

Mayor Fascenelli closed public comments.

Mayor Pro Tem Mills is hesitant to make this a permanent red zone. There should be plenty parking for parents.

A motion was made by Councilman Nelson and seconded by Councilman Barnett to approve the striping plan as presented.

A substitute motion was made by Mayor Pro Tem Mills, seconded by Councilman Barnett, and carried by the following roll call vote to keep number four as written, with the exception of maintaining as much parking as possible: during non pick-up and drop-off times.

AYES: Barnett, Collacott and Mills

NOES: Nelson and Fascenelli

ABSENT: None

ABSTAIN: None

The City Council recessed at 8:21 p.m. and resumed at 8:31 p.m.

5. Review of "Parking by Permit Only" restrictions on Featherhill Drive, Mountain View Circle and Dodson Way.

Councilman Collacott recused himself due to a potential conflict of interested since the proposed item is within 500 feet of his residence.

Mayor Fascenelli opened public comments.

Howard Kirshner, Villa Park resident, requested the City Council build a relationship with the school board.

Mayor Fascenelli spoke with Kathy Moffat, representative for the board, and said they are willing to speak with the City Council to do whatever they can to fix the problem.

Councilman Barnett said the proposal is the best idea he, and Superintendent Christenson came up with.

Councilman Nelson relayed he has emailed Kathy Moffat to request a meeting and has not received a response from her.

Wayne Silzel, Villa Park resident, suggested having a central drop off location for children, then have buses drive the children to school.

Mary Beth Felcyn, Villa Park resident, suggested maintaining parking by permit hours 7:00 a.m. to 7:00 p.m. She said the new proposed changes would bring issues such as traffic during school hours and unsafe traffic. She said if the first five homes are closed to parking, this would push the parking up the street and onto Featherhill and Dodson.

Carol Stevens, Villa Park resident, liked the idea to have a central drop-off point then to have children bused to school. She said residents affected by this resolution were not contacted by the city.

Carl Van Flees, Villa Park resident, spoke about the current parking restrictions being in place for almost 40 years. He expressed concern that the residents affected have not been notified of this item.

Vince Rossini, Villa Park resident, made a clarification on Item 13 on the agenda saying the committee did encourage unanimously that the City Council review all the options, including legal actions. He gave an update of the thoughts the Law Enforcement Advisory Committee had on this item. Mr. Arsini said the issue of safety to students and residents was a concern. The committee offered to assist Councilman Barnett to speak with OUSD. He expressed the committee's concern of future lawsuits caused by accidents that may happen. The proper solution is to have an off-street parking facility on the School District property. The committee advised the City Council to keep the permit parking as is and speak with OUSD regarding an off-street parking facility.

Monique Baret, Villa Park resident, requested the City Council keep the no parking restrictions until the October meeting.

Candice Girik, Orange resident, requested the City Council reopen the parking to aid in alleviating the traffic nightmare.

Heidi Mairena, Orange resident, spoke about all that Serrano School gave up due to parking and safety. She asked that the City Council take them into consideration.

Donna Buxton, Villa Park Resident, spoke in opposition of the proposal. She said voting on this item would contradict Municipal Code 19-3.2. Ms. Buxton relayed the real solution needs to be resolved by OUSD. She said the local schools were meant to be neighborhood schools, not regional.

Mayor Fascenelli closed public comments.

Councilman Nelson spoke about a parking resolution that passed in November 2011, saying residents should receive a notice 14 days before the item is brought forward to the City Council.

City Manager Hildenbrand stated notices were not sent out on this agenda item.

City Attorney Megan Garibaldi said the proposal tonight would take the area out of the residential parking zone, and into a special parking zone.

Councilman Barnett spoke about safety during school hours. He said parking issues on the weekends have not come to his attention.

Mayor Fascenelli commented this is the best compromise so far. She does not think parking should be taken away on the weekend. Mayor Fascenelli spoke about the inconvenience of having no parking during drop-off and pick-up. She is willing to compromise to have the first 500 feet with no parking. It would have to be no parking, not parking by permit only.

Councilman Nelson spoke in support of leaving the parking the way it is.

City Manager Hildenbrand stated the City Council could not act on this item tonight because proper notification was not given to residents. When parking issues are discussed, the residents need to be notified 14 days before.

Mayor Pro Tem Mills spoke about each neighborhood forming their own special district to be a private road. City Manager Hildenbrand replied yes they could, but that it is a lengthy process.

Mayor Pro Tem Mills suggested increasing the budget for the sheriff to have more patrol in this area.

Mayor Fascenelli re-opened public comments.

Carl Van Fleet, Villa Park resident, spoke in opposition to changes being made to parking. He expressed concern that he would not be able to park in front of his house. Mr. Van Fleet said a notification to residents affected should have been sent out.

Wayne Silzel, Villa Park resident, suggested scheduling a meeting with the school board. He said a transfer zone on Katella would be a great idea.

Donna Buxton, Villa Park resident, suggested continuing this item to July so that Councilman Collacott could participate.

Tamy Daley, City of Orange resident, said that parking is a problem because the schools are overcrowded.

Mayor Fascenelli closed public comments.

Councilmember Nelson spoke about the importance to have interaction between the City Council and the School District Board. He asked if the Mayor could set-up a joint public meeting with the board. Mayor Fascenelli said she would coordinate with the school district board.

It was moved by Councilman Nelson and seconded by Mayor Pro Tem Mills, and carried by the following roll call vote to continue this item to the July 28, 2015 City Council meeting.

AYES: Barnett, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: Collacott

6. Pilot Project – Preliminary Utility Undergrounding Study: Valley Drive from Center Drive to Cerro Villa Drive

Mayor Fascenelli opened public comments.

Vince Rossini, Villa Park resident, spoke about the parcel cost to residents and suggested more studies should have been done with Southern California Edison. He said the numbers given to the residents were not accurate.

Mayor Fascenelli closed public comments.

Mayor Fascenelli spoke about residents needing to be well informed. She relayed most of the residents who signed the petition rescinded their signature in favor of this proposal. Mayor Fascenelli thanked Mr. Rossini for all his work on this project.

A motion was made by Mayor Fascenelli to move this item as staff recommended.

Mayor Pro Tem Mills thanked Mr. Rossini for all his work. He suggested those interested in the project to get together and pay for the survey to be completed. He encouraged them to increase their scope and the amount of people involved.

It was moved by Mayor Fascenelli, seconded by Mayor Pro Tem Mills, and carried by the following roll call vote, to not approve the \$15,000 consultant fee, not hire the consultant, and direct staff to draft a policy.

AYES: Barnett, Mills and Fascenelli

NOES: Collacott and Nelson

ABSENT: None

ABSTAIN: None

CONSENT CALENDAR (ITEMS #7-14)

Councilman Nelson pulled Item 9, Monthly Financial and Monthly Capital Project Status reports and Item 11, Approval of annual Statement of Investment Policy.

Mayor Fascenelli announced Item 13, Law Enforcement Advisory Committee recommendation to City Council, was pulled and discussed during the Law Enforcement Advisory Committee presentation at the beginning of the meeting.

City Manager Hildenbrand pulled Item 12, 2015 Conflict of Interest Code Update.

Councilman Collacott pulled Item 10, Villa Park Crime Analysis Report – April 2015.

It was moved by Mayor Pro Tem Mills, seconded by Councilman Nelson, and carried by the following roll call vote, to approve Items 7, 8, & 14 of the Consent Calendar.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

7. Warrants and disbursements from April 21 through May 12, 2015.

ACTION: Approved total warrants and disbursements of \$976,955.42.

8. Financial Treasurer's Report for month of April, 2015.

ACTION: Received and filed.

14. Resolution No. 2015-3324, denying Conditional Use Permit No. 2015-01, a request to operate a Large Family Day Care at 10705 Providence Drive.

ACTION: Adopted Resolution No. 2015-3324.

ITEMS PULLED

9. Monthly Financial and Monthly Capital Project Status reports.

Councilman Nelson spoke about the memorandum and said they were not reflected in the minutes.

Finance Director Michelle Danaher replied the policy in the municipal code states they have to run the monthly report.

City Manager Hildenbrand said it is an easy report to generate and that the lengthy report is done bi-monthly.

Councilman Nelson stated he would rather see one new report every month, instead of two different reports every month.

A motion was made by Mayor Pro Tem Mills and seconded by Councilman Barnett, and carried by the following roll call vote to receive and file the report.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

10. Villa Park Crime Analysis Report – April 2015.

Councilman Collacott gave the update on the report. They have identified four key categories of crimes they would like to focus on. These are robbery, residential burglary, stolen vehicles and grand theft. He relayed part of the motion made by the Law Enforcement Advisory Committee was to have the Sheriff's department provide an update on these four categories on a monthly basis. In addition, they would like to see the report given separate from incidences at the local schools.

Councilman Barnett spoke about serious crime statistics increasing in the report. He suggested the committee come up with some suggestions to help with this problem.

ACTION: Received and filed.

11. Approval of annual Statement of Investment Policy.

Councilman Nelson spoke about prudent investment standards. He said the prudent investment standards apply to the person actually making investments, not the committee who only makes recommendations. Councilman Nelson mentioned that he discussed this issued with IAC Chair Underwood, and Chair Underwood stated to him that he previously suggested the words "officials and advisors" and to not change it to just "advisors" to Finance Director Danaher; however, those changes were not incorporated in the final copy sent to City Council.

Mayor Fascenelli commented that everyone in the committee reviewed the request and spoke in favor of it.

Finance Director Michelle Danaher suggested adding the word "and", so that it would read "investment officials AND advisors".

Mayor Fascenelli expressed concern that the chairman is not in agreement with this change and said she will be contacting Mr. Underwood.

Councilman Barnett suggested inserting advisors and officials in the wording.

Finance Director Michelle Danaher stated the changes that Chairman Underwood suggested are reflected in the policy.

A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and carried by the following roll call vote to approve Resolution No. 2015-3317 and add the word "officials" in the policy.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

Councilman Barnett asked about the Finance Director reconciling. Finance Director Michelle Danaher replied there is a segregation of duties and the auditors want to make sure there is not a conflict of interest. Councilman Nelson said the City Treasurer would review the reconciliations.

12. 2015 Conflict of Interest Code Update.

City Manager Hildenbrand reported the update includes removing the Investment Advisory Committee members from filling out Conflict of Interest Form 700. He said the requirements to fill out the forms are not in the conflict of interest code but in the government code.

Mayor Fascenelli would like to make it clear for those who are on the Investment Advisory Committee that it is the committee member's discretion if they want to file the 700 Form.

A motion was made by Councilman Nelson and seconded by Mayor Pro Tem Mills, and carried by the following roll call vote to adopt Resolution No. 2015-3325.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

The City Council recessed at 10:22 p.m. and resumed at 10:32 p.m.

NEW BUSINESS

15. Consideration of FY 2015-16 Recommended Level of Service and Second Amendment to the Five-year Agreement for Law Enforcement services with the Orange County Sheriff-Coroner.

City Manager Hildenbrand reported there is a proposed increase of 4.5% to the budget. The increase is in the patrol budget, which changed from \$5,000 to \$45,000.

A motion was made by Councilman Barnett, seconded by Mayor Fascenelli, and carried by the following roll call vote, to approve the proposed service levels and authorize the Mayor to execute second amendment to agreement with the Orange County Sheriff-Coroner.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

16. Villa Park Community Services Foundation's recommendation to become independent from the City of Villa Park.

Mayor Fascenelli stated this item should have been moved up on the agenda. She would like to hear from members of the foundation.

Councilman Collacott commented he was asked to speak in place of the chairman. Mr. Doug Bender would like to come back to the June or July meeting to answer any questions the council may have.

Mayor Pro Tem Mills said the reason why the foundation would like to break away from the city is the Brown Act.

Councilman Nelson requested City Attorney Megan Garibaldi look into a way to reconfigure the foundation so they are not a legislative body. He also suggested removing a Council Member from the board to help with this issue. City Attorney Megan Garibaldi replied she would look into it.

Mayor Fascenelli would like to hear back from the foundation with the City Council suggestions and see if there are any other reasons why they want to become independent.

City Attorney Megan Garibaldi replied a letter was received with four reasons. These included: the Brown Act; the original intent of the foundation is to get it up and running; the foundation and the city are tied together under existing bylaws; and eliminating the legal risks for the City.

A motion was made by Mayor Fascenelli and seconded by Councilman Collacott to continue this item to the next City Council meeting and not have legal counsel conduct any research.

A motion was made by Councilman Nelson, seconded by Councilman Barnett, and carried by the following roll call vote, to continue this item to the next City Council meeting and direct legal counsel to conduct research and come back with an analysis.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

MAYOR AND COUNCIL MEMBER MATTERS

17. Consideration of changing date of June City Council meeting.

Councilman Nelson and Councilman Barnett are planning on attending the League of California Cities meeting in Monterey the following morning of the June 23, 2015 City Council meeting. Councilman Nelson is requesting to change the date of the regular scheduled City Council meeting to June 30, 2015.

Mayor Pro Tem Mills expressed concern that he had already planned his calendar for the year with the dates given to them.

Councilman Barnett stated he will not be able to attend the June 23, 2015 City Council meeting.

Mayor Fascenelli said Council Members could attend the meeting via telephone. City Manager Hildenbrand added if they conduct the meeting via telephone, an agenda would need to be posted at that location.

Council Member Nelson stated he would not attend the meeting via telephone.

A motion was made by Mayor Fascenelli, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote to keep the meeting date as June 23, 2015.

AYES: Mills and Fascenelli

NOES: Collacott and Nelson

ABSENT: None

ABSTAIN: Barnett

18. Use of City Letterhead/Seal Policy

City Manager Hildenbrand gave the staff report. The new policy would allow Councilmembers to use the letterhead and stationary and seal for official city business consistent with the policies and position, which have been approved by the City Council.

A motion was made by Councilman Barnett, seconded by Councilman Collacott, and carried by the following roll call vote to table the proposed Use of City Letterhead/Seal Policy.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

19. Electronic devices for City Council meeting agenda packets

City Manager Hildenbrand reported it costs the city up to \$6,800 per year to distribute the paper agenda. He suggested Councilmembers look into a tablet or laptop they are comfortable to use and the city would reimburse them to use for the agenda. The total cost for the entire council would not exceed \$5,000. City Manager Hildenbrand stated a paper copy would still be available for the public to view. He talked about the need for a Wi-Fi policy and reimbursement.

A motion was made by Councilman Nelson, seconded by Councilman Barnett, and carried by the following roll call vote, to reimburse each Councilmember up to \$1,000 for the purchase of any table device, supporting applications and accessories of their choosing and to direct staff to research data plans.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

City Manager Hildenbrand said he would bring back a Wi-Fi data policy if it is needed.

20. Individual councilmember information items and/or required meeting attendance reports.

Councilman Collacott attended an OUSD City Schools meeting on May 18. He reported OUSD has two campuses in escrow totalling \$35 million dollars.

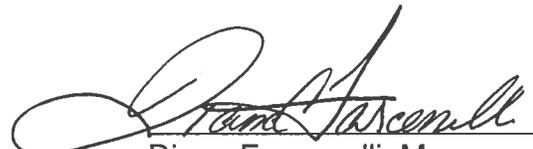
Councilman Barnett attended a Fire Authority meeting. They discussed labor negotiations, pending state legislation and AB 1217.

Mayor Pro Tem Mills attended a Metropolitan Water District meeting along with Mayor Fascenelli. He spoke about the vector control meeting he attended. Mayor Pro Tem Mills also attended sexual harassment training at the Orange County Sanitation District. The next sanitation district meeting will be tomorrow night.

Mayor Fascenelli attended the water forum and spoke about the rise in water bill fees. She will be attending the Kindness Conference at the City of Anaheim tomorrow and relayed the City of Villa Park has been asked to adopt a Kindness Initiative.

ADJOURNMENT

The City Council adjourned at 11:25 p.m. The next regular meeting will be held on Tuesday, June 23, 2015 at 6:30 p.m.


Diana Fascenelli, Mayor
City of Villa Park

ATTEST:


Jarad L. Hildenbrand, City Clerk
City of Villa Park

Note: The above minutes are a summary of actions. A DVD recording of this meeting additionally serves as an official record and is available upon request from City Hall.

