

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

June 28, 2016
Regular Meeting

<p>GENERAL SESSION 6:30 p.m. – City Council Chambers</p>

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

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Fascenelli, Nelson and Mills

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Republic Services presented the annual contribution to the Villa Park Services Foundation.

- Orange County Sheriff's Department update
- Orange County Fire Authority update
- Orange County Sanitation District
- Community Development and Public Safety
- City Schools Advisory
- Law Enforcement Advisory
- VP Community Services Foundation
- Friends of the VP Library

ORAL COMMUNICATIONS

Mayor Mills opened public comments.

Robert Auerbach, Villa Park resident, expressed concern about the coyote problem in his neighborhood, saying several animals have been attacked and/or killed due to this issue. In addition, gunshots have been heard in his neighborhood, which are related to the coyote nuisance. He asked if there is an abatement program in Villa Park. Mr. Auerbach suggested having Vector Control assess the situation. He has done some research about warding off coyotes and it was suggested to use wolf urine to deter them

from coming near your property. Mr. Auerbach suggested literature be provided to the residents regarding this issue and how to keep their animals and families safe.

Councilman Collacott concurred there is a coyote problem. He stated the City Manager started working on a registry regarding this exact issue. Councilman Collacott suggested residents call the city to report any coyote sightings or attacks and provide the time and location. The City Manager is using this information to generate a spreadsheet that will populate a map to help narrow down their specific location. City Manager Hildenbrand stated information is available on the city's website but recommended the public call the city directly. Mr. Auerbach said he would relay this information to his neighbors.

Councilman Collacott stated he has received several reports in the last couple of months regarding run-ins with coyotes.

Mayor Pro Tem Barnett said the public could contact the City Council to request this item be agendaized.

Mr. Auerbach suggested the city contact the Department of Fish and Game.

City Attorney Todd Liftin relayed the City of Yorba Linda has had a similar problem and hired a registered tracker/hunter to help eradicate their coyote problem.

Mayor Mills closed public comments.

PUBLIC HEARINGS

1. [Waive reading in full of all ordinances and resolution on the agenda.](#)

A motion was made by Councilman Nelson, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote, to waive reading in full of the ordinances and resolutions on the agenda.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

2. [Status of Public Nuisance at 18011 Wellington Circle, Villa Park.](#)

City Manager Hildenbrand gave the staff report. He stated on May 25th, it was determined there was a second gate installed. At this point the nuisance abatement has

been terminated and the city is not proceeding forward with any action. At the City Council meeting in May, the property owner requested an appeal to the administrative fines that have been cited against his property. Since March, city staff has cited three administrative fines totaling \$925.10, which includes late fees.

City Manager Hildenbrand spoke with the property owner Mr. Falk, who was not able to attend the meeting tonight due to being out of town. Mr. Falk sent an email to City Manager Hildenbrand that said the issues between him; the City, and his house should be resolved now as well as in the future. He could not vouch for his neighbor Ms. Kincaid and said hopefully she is satisfied at this point. Mr. Falk hoped the City Council would be reasonable under these circumstances.

Mayor Mills asked if a second gate was detected at the last inspection prior to the City Council meeting in May. City Manager Hildenbrand replied he could not see if there was a second gate since he did not have the authority to step onto the property at that time. Mayor Mills stated the property owner provided photographic evidence at the May meeting of installed latches. City Manager Hildenbrand stated when he and the Building Official went to inspect the property, several items were installed including latches and hinges. He is not sure when these items were installed.

Mayor Mills opened the public hearing.

Ellen Kincaid, Villa Park resident, thanked the City Council for addressing the issues at this residence including implementing the municipal code. She spoke about the effort put in by LEAC, the City Manager and Chapman College. Ms. Kincaid thanked City Council Members Nelson and Collacott for addressing this issue as well. She said the street is quiet and peaceful now.

Doug Kincaid, Villa Park resident, stated property owner Mr. Falk has started to cleanup the property. He said pictures were posted on Facebook from the students who live at the property that did not show a second gate installed prior to the City Council meeting held in May.

Mayor Mills closed public comments.

Councilman Nelson spoke in favor of upholding the fines. He said Mr. Falk has had the opportunity to contact the city after the first violation.

Mayor Pro Tem Barnett agrees that the property owner should pay the administrative fees. He said there was no evidence that the gate was up initially and that Mr. Falk did not tell the city otherwise.

Councilman Collacott spoke in support of upholding the administrative fines.

A motion was made by Mayor Pro Tem Barnett, seconded by Mayor Mills, and approved by the following roll call vote to, conduct an appeal hearing, hear all facts and testimony presented, and render a decision to uphold the administrative fines against 18011 Wellington Circle.

AYES: Barnett, Collacott, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

3. [Consideration of the Fiscal Year 2016-17 Operating Budget and Seven Year Capital Improvement Program; appropriating revenue and establishing the appropriations limit for Fiscal Year 2016-17; amending the salaries and benefits resolution; and amending the General Fund Reserve Policy.](#)

Councilwoman Fascenelli would like to make the residents aware of the time it took to get to this point to finalize the budget. There have been three public meetings that the City Council members attended. The Council took into consideration all comments and requests made by the public and staff. In the end, the Council decided to increase the reserve to \$125,000. She thanked Finance Director Michelle Danagher for her work on the budget and all those who participated from the public.

City Manager Hildenbrand gave a PowerPoint presentation overview on the budget.

Mayor Mills relayed the major item in the budget is the additional money allocated to the reserves. The Council is trying to be proactive since the city is getting older.

City Manager Hildenbrand stated the Pavement Management Program update would be provided at the City Council meeting in July.

Mayor Mills opened public comments.

Ellen Kincaid, Villa Park resident, asked about the bushes on Katella and who is responsible for their maintenance. City Manager Hildenbrand replied it was discussed at the last Community Development and Public Safety Committee meeting. He said the Maintenance Supervisor told him that the Women's League had planted the bushes many years ago. Some of the homeowners at the time did not want to maintain them since the city planted them. As a result, city staff as well as some residents have been taking care of the maintenance. Ms. Kincaid stated she would not mind maintaining those near her home.

Mayor Mills closed public comments.

Councilman Nelson commented he was pleased to see that staff used a very realistic assumption by applying 4% on the property tax.

A motion was made by Mayor Pro Tem Barnett, seconded by Councilman Nelson, and approved by the following roll call vote to,

1. Adopt Resolution No. 2016-3363, a Resolution of the City Council of the City of Villa Park adopting the Budget, appropriating revenue and establishing the appropriations limit for Fiscal Year 2016-17;
2. Adopt Resolution No. 2016-3364, a Resolution of the City Council of the City of Villa Park establishing salary and benefit rates for all classes of employment and superseding Resolution No. 2016-3355; and
3. Adopt Resolution No. 2016-3362, a Resolution of the City Council of the City of Villa Park establishing a policy for financial reserves.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT CALENDAR (ITEMS #4-13)

Councilwoman Fascenelli removed Item 11, Authorization to File a Claim and Order to go to Small Claims Court and Item 13, Authorization to Solicit Bids for Various Street Repair Projects.

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote, to approve Consent Calendar Items 4-10 & 12.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

4. Warrants and disbursements from May 12, 2016 through June 13, 2016.

Action: Approved warrants and disbursements in the amount of \$667,919.48.

5. Monthly Cash and Investment Transparency.

Action: Received and filed.

6. Monthly Financial and Capital Project Status reports.

Action: Received and filed.

7. Request approval of City Council Minutes of May 24, 2016.

Action: Approved

8. AlertOC - Mass Notification Contract and MOU Approval.

Action: Approved and authorized the City Manager to execute the "Memorandum of Understanding between the County of Orange and Participants for Use of Countywide Mass Notification System."

9. 2016 Conflict of Interest Code Biennial Review.

Action: Received and filed the 2016 Local Agency Biennial Notice.

10. Amendment to Cooperative Agreement with OCTA for participation in the Senior Mobility Program.

Action: Approved the Amendment to the Cooperative Agreement between the Orange County Transportation Authority and the City of Villa Park for Senior Mobility Program.

12. Measure M2 Annual Funding Eligibility – Fiscal Year 16/17.

Action: That the City Council:

1. Approve the Seven-Year Capital Improvement Program.
2. Adopt Resolution No. 2016-3366 a Resolution of the City Council of the City of Villa Park adopting the Seven-Year Capital Improvement Program.
3. Authorize Staff to submit Measure M2 funding eligibility requirements on behalf of the City of Villa Park in order to continue to receive Measure M2 funds.

PULLED ITEMS

11. Authorization to File a Claim and Order to go to Small Claims Court.

Councilwoman Fascenelli spoke about this claim and asked how much it would cost to go to small claims court. City Attorney Liftin replied it would not cost anything for the City. Councilwoman Fascenelli asked if it would be a part of the retainer fee. City Attorney Liftin stated attorneys are barred from going to small claims court. Councilwoman Fascenelli inquired who would be representing the city at small claims court. City Manager Hildenbrand replied he or Kim would be attending the small claims court proceedings. City Attorney Liftin stated the City Manager would be the representative. He said the City could file a civil action but the amount awarded would be used to pay for legal fees and court costs. The only efficient decision was proceeding with small claims court. Councilwoman Fascenelli commented she wanted to know who would be attending since there is already very limited staff. City Attorney Liftin stated he is barred as a matter of law from attending. He can help the City Manager with any of the paperwork since it is part of the retainer fee.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote to, authorize staff to proceed with filing a claim and order to go to small claims court.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

13. Authorization to Solicit Bids for Various Street Repair Projects.

Councilwoman Fascenelli relayed she lives within 500 feet of several of the streets that are proposed to be repaired, which could result in a conflict of interest. She asked if she should recuse herself from voting on these streets.

City Attorney Liftin spoke about two separate aspects of the Political Reform Act, which is the overarching rule of the Conflict of Interest within California. There are a couple of these pertaining to street maintenance issues. Generally, if it is a citywide project, which is now over 25% of the city being impacted, the council would fit into what is called the public generally exception. This would allow Councilwoman Fascenelli to vote entirely on this item. The second is if there is a level of maintenance, which is not a complete refurbishment. The regulations and FPPC say there is a specific exception that allows

the council to participate in the voting. The theory being the City is always repairing streets and making minor modifications. He said Councilwoman Fascenelli could recuse herself from specific streets if she is more comfortable with that option.

Councilwoman Fascenelli stated she would like to recuse herself from the following streets: Item 11, Vida Drive @ Fernando Circle; Item 12, Vida Drive @ Fernando Circle; and Item 13, Fernando Circle @ Vida Drive. She said Councilman Collacott along with several community members and traffic committee members have made comments regarding services that were rendered on her street in the past.

A motion was made by Councilwoman Fascenelli, seconded by Councilman Nelson, and approved on the following roll call vote to, authorize staff to solicit bids and proceed with the lowest bidder in and an amount not to exceed \$30,000 for the streets listed on the engineers estimate with the exception to Item 11, Vida Drive @ Fernando Circle; Item 12, Vida Drive @ Fernando Circle; and Item 13, Fernando Circle @ Vida Drive.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote to include the following streets listed on the engineers estimate: Item 11, Vida Drive @ Fernando Circle; Item 12, Vida Drive @ Fernando Circle; and Item 13, Fernando Circle @ Vida Drive.

AYES: Barnett, Collacott, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: Fascenelli

MAYOR AND COUNCILMEMBER MATTERS

14. [Council Member Requested Matter \(Fascenelli\) – Consideration of Eliminating of City/Schools Advisory Committee.](#)

Councilwoman Fascenelli stated she has served on this committee three out of the last five years of being on the City Council. This committee has been devised to have the

leaders of the school, or the PFSO's to attend. In the past they have attended but recently there has been a decrease in attendance, if any at all. She would be happy to meet with the PFSO's but there is not a current need. Currently, if there is an issue with safety or traffic, the LEAC Committee has been addressing them. Councilwoman Fascenelli has brought this item to the City Council to discuss if this committee should continue since there is little to no attendance. She did have a discussion with PFSO Mary Kuli who said she enjoyed coming to the meetings in the past. Currently, the PFSO's are not attending and they are directed not to. Councilwoman Fascenelli stated Mayor Pro Tem Barnett is the Co-Chair and he has not been able to attend the meetings. She receives texts everyday regarding the schools. In the last two months, she has attended six school meetings.

Mayor Mills opened and closed public comments since there were none.

Councilman Nelson stated this surprised him. He served on the committee last year and said the City Manager would send information on the agenda items but many times there was nothing placed on the agenda. After cancelling several meetings, Councilman Nelson received an email from PFSO Mary Kuli asking why he was cancelling the meetings. Councilman Nelson replied to her there were no agenda items. Ms. Kuli said there are always agenda items, such as the school reports. Following that conversation, Councilman Nelson received an email from Councilwoman Fascenelli regarding the importance of the committee. Councilman Nelson asked why Councilwoman Fascenelli feels different about the committee now.

Councilwoman Fascenelli replied the PFSO's do not want to attend these committee meetings. She would like to keep the committee going but the participation is not there. Councilwoman Fascenelli stated she visits the schools regularly and keeps up to date on the events and any information.

Councilwoman Fascenelli stated if the Council approves to continue the committee, she would support it.

Councilman Nelson spoke about the importance of this committee since there are four schools in Villa Park. He said it is essential to have communication with the schools.

Councilwoman Fascenelli replied she has a lot of communication with the schools. The majority of the information from the schools comes from her since she is very involved.

Mayor Mills suggested looking into why there is no participation in this committee.

Councilwoman Fascenelli relayed there is a secondary meeting that takes places at the district, which is an advisory committee. It takes place once a month at 5:00 pm and rotates within the cities of Orange, Villa Park and OUSD. The City of Anaheim also participates in these meetings. She said the Dodson Way and Featherhill groups have attended this meeting several times. Several items are discussed at this meeting

including parks, gates, schooling, graduation and joint use facilities. This meeting is open to the public as well.

Mayor Mills asked if the PFSO's attend these meetings. Councilwoman Fascenelli replied yes. In addition, OUSD's Superintendent, Assistant superintendent and the Mayors of Anaheim and Orange are present. She said Villa Park hosts the meeting once or twice a year.

Mayor Pro Tem Barnett said when Councilman Nelson serviced on the committee there was inactivity, which may have caused some frustration. At that time, Councilwoman Fascenelli encouraged Councilman Nelson to continue the committee. This year, Councilwoman Fascenelli is experiencing inactivity and is asking the Council to review this committee. Mayor Pro Tem Barnett understands Councilman Nelson's frustration. He said the committee has not been very active and is not sure why councilmembers should waste their time on a meeting that no one wants to attend.

Mayor Pro Tem Barnett made a motion to terminate the committee for the time being. It was seconded by Councilwoman Fascenelli.

Councilman Nelson respectively disagreed with terminating the committee. He said the committee has been active for many years and has worked in the past.

Mayor Pro Tem Barnett stated the committee could be reinstated if needed.

Councilwoman Fascenelli relayed the first year she served on the City Council, she also served on this committee. She had moved the meeting from once a month, to once very other month due to the lack of participation.

Councilwoman Fascenelli stated she has served as the Chair on this committee three out of last four years. She is the most active with OUSD.

Mayor Mills made a substitute motion to keep the committee in tact. Councilman Collacott seconded.

Mayor Mills disagrees with eliminating this committee and suggested to keep it at the minimum an Ad Hoc.

Councilman Nelson said his understanding is the PFSO's change every year. Councilwoman Fascenelli replied they change every couple of years.

Mayor Pro Tem Barnett asked how the committee would be administered without meetings.

Councilwoman Fascenelli withdrew her second to eliminate the committee. She said it appears the majority of the Council would like to keep the committee.

Mayor Pro Tem Barnett withdrew his motion to terminate the committee.

Mayor Mills spoke about the importance of additional outreach to the principals. Councilwoman Fascenelli replied the principals cannot participate in the committee. This is regarding the PFSO's of the school and not the principals.

Councilman Nelson suggested if the committee does not want to hold a meeting to not have one. Councilwoman Fascenelli replied she may not be available either if a meeting is not scheduled in advanced.

Mayor Mills stated OUSD is the largest landholder in Villa Park.

City Manager Hildenbrand said when the committee was authorized in 2015, the meetings were set by the committee itself. It is a brown act committee. He said if there is a need for a meeting then one can be scheduled.

Mayor Mills asked if no action would be taken. City Attorney Liftin replied yes.

Mayor Mills opened and closed public comment since there were none.

15. [Individual councilmember information items and/or required meeting attendance reports.](#)

Mayor Mills participated in Principal for the Day at Serrano Elementary. He also attended Career Day at Villa Park Elementary. He reminded the public about the new contingency for the sanitation district's new headquarters beginning July 1st. Mayor Mills requested to agendize the selection of the League of CA Cities voting of delegates and alternatives at the next City Council meeting. He reminded the public to attend Villa Park Day at the Orange County Fair on August 3rd. It will begin at 12:30 p.m. and requested all Councilmembers be present. In addition, Villa Park Instrumental Music will be there at 4:00 pm to perform a concert the same day. Mayor Mills reminded the public about the Orange County Water District and Sanitation District open house on August 13th. The National Night Out will be held on August 2nd. The Orange City celebration will be on July 3rd. The Walk with a Friend event with the Villa Park Community Services Foundation will take place on September 17th. He asked that the public be on the look out for illegal fireworks in Villa Park.

Councilman Collacott attended the Peace Officers Memorial Ceremony on May 26th

Mayor Pro Tem Barnett did not attend the recent Fire Authority meeting but did have some communication with the group. The union attempted to revive the Assembly Bill to reduce the board's presence at the Fire Authority has come up again and the union is pushing this issue. There is a union effort to get legislation through Sacramento. It

would eliminate Villa Park and some of the small cities from participation. He suspects there will be a strong response from the board.

City Attorney Liftin stated they are technically at an end pass on labor negotiations. When he attended the City Council meeting at Yorba Linda last week, were 75 fire fighters from the union who attended because Councilman Hernandez is the Chair of the Fire Authority. The firefighters spoke about how OCFA is not treating them fairly during labor negotiations. City Attorney Liftin stated they might be coming to other cities.

Mayor Pro Tem Barnett stated the board has taken a tougher stand than usual on labor issues. His concern is the pension package. The pension accrues and it cannot be paid. Mayor Pro Tem Barnett said he pointed out his concern over the continuing increase of the budget deficit because of the pension. Currently \$12 million to \$15 million has been contributed to pay the deficit down. He had asked what was happening in terms of the cities portion of the deficit this year because the earnings from planned investments were not coming to fruition. Last year, the deficit was \$80 million. There was an excess contribution of \$12 million this year, which has taken the amount to \$68 million.

Mayor Pro Tem Barnett said the board is realizing that this is a significant problem. If we weren't spending the excess money, then where is the excess money? He stated it is not just a fire problem, but also all over. Mayor Pro Tem Barnett relayed the Joint Powers Agreement says none of the city members have exposure. City Attorney Liftin replied the JPA says cities are not liable. The JPA is the agreement between the cities where we entered into with Orange County Fire Authority. He said state law, as it is currently constituted says as a member of a JPA, you are not automatically assessed the liability if the agreement says you are not. The law says you are not because the JPA says you are not. City Attorney Liftin stated this is the law.

Mayor Pro Tem Barnett stated the legislator has the authority to come in and allocation the liability notwithstanding the JPA. City Attorney Liftin replied no they do not have the authority, but that others may say yes. He said under the constitution, it is under the impairment of contract. The state cannot come in and impair a contract that already exists. City Attorney Liftin stated some would argue governmental contracts are not protected by that constitutional provision.

Mayor Pro Tem Barnett stated if this were to happen, Villa Park's reserves would be exhausted.

ADJOURNMENT

The City Council adjourned at 8:34 p.m. The next regular meeting will be held on Tuesday, July 26, 2016 at 6:30 p.m.

Greg Mills, 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.