

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

December 17, 2013
Regular Meeting

GENERAL SESSION

7:00 p.m. – City Council Chambers

ROLL CALL - Mayor Reese called the General Session to order at 7:00 p.m.

COUNCILMEMBERS

PRESENT: Fascenelli, Mills, Pauly, Barnett, Reese

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – led by resident Andie Mills

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Villa Park Community Services Foundation update
 - Cerro Villa Middle School Band
- Orange County Fire Authority update
- Orange County Sheriff's Department update

ORAL COMMUNICATIONS

Roslyn Gray, 17846 Helena Circle, is concerned about the Fitschen Ranch Road closures and what it does to the City's evacuation plan.

Gwen Norton Perry, Executive Director of Orange County Council of Governments presented the 2014 plan and a brief overview of their goals. She also lobbied for Villa Park membership.

PUBLIC HEARINGS

1. [Consideration of Variance Permit No. 0750 – a request to install a 5-foot, 6-inch fence within the 20-foot front yard setback. Location: 9431 Villa Isle Circle. Applicants: Craig and Margaret Ota.](#)

City Planner Jennifer Lilly presented the staff report.

Mayor Reese opened the public hearing and closed it after no one wished to speak on the issue.

It was moved by Councilman Mills, seconded by Councilwoman Fascenelli, and carried by the following roll call vote to adopt Resolution No. 2013-3264, a Resolution of the City Council of the City of Villa Park Approving Variance Permit No. 0750:

AYES: Mills, Fascenelli, Barnett, Pauly, Reese

NOES: None

ABSENT: None

ABSTAIN: None

2. [Conditional Use Permit No. 0746: review of compliance with conditions related to extended hours of operation for Rockwell's and The Post. Location 17853 Santiago Boulevard, #109. Applicant: Mr. William Skeffington.](#)

City Planner Jennifer Lilly presented the staff report.

Mayor Reese opened the public hearing.

Janice Wallace, 17872 Bishop Cir., reports that she hears the bass and crowd noise but is not bothered by it. She is opposed to 20 nights/events and is requesting one night a month instead.

Billy Skeffington, The Post, wants to keep the restaurant open until 1 am.

Mike Wallace, 17872 Bishop Cir., only had to call Billy twice in 6 months and is very pleased with Billy's reactions. Villa Park is a bedroom community and should not have businesses open late.

Mayor Reese closed the public hearing and opened the matter up to councilmember discussion.

Councilwoman Pauly is in favor of the addition of The Post to the Town Center. She is opposed to adding additional nights to 2013 and 20 nights in 2014, one a month is fine. She is disappointed that The Post did not notify residents of one of the additional nights and does not want to reward them with more nights.

Councilwoman Fascenelli is concerned that when other restaurants want to come to the Town Center the council will have trouble accommodating them as well. Residents want more restaurants.

Mayor Reese is concerned that 4 events to 20 events is too much of an increase but is pleased with the communication occurring.

Mayor Pro Tem Barnett wants to give the restaurants more events within reason, one step at a time.

Councilwoman Pauly motioned for changes to the resolution of 15 events per year and no amplified interior music after 12 am, to be reviewed in 6 months.

It was moved by Councilwoman Pauly, seconded by Mayor Pro Tem Barnett, and carried by the following roll call vote to approve the Conditional Use Permit No. 0746 with amendments made on the floor:

AYES: Pauly, Barnett, Fascenelli, Mills, Reese

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT CALENDAR (ITEMS #3-12)

Mayor Pro Tem Barnett pulled items 7, 9, 10, and 11.

Councilwoman Fascenelli pulled item 5.

It was moved by Councilwoman Pauly, seconded by Councilman Mills, and carried by the following roll call vote to approve the remainder of Consent Calendar:

AYES: Pauly, Mills, Barnett, Fascenelli, Reese

NOES: None

ABSENT: None

ABSTAIN: None

3. [Warrants and disbursements from November 13, through December 9, 2013.](#)

ACTION: Approve warrants and disbursements in the amount of \$500,608.94.

4. [Financial Treasurer's Report for months of October and November, 2013.](#)

ACTION: Receive and file.

6. [Measure M2 2012-2013 Annual Financial Report.](#)

ACTION: Adopt Resolution No. 2013-3260 approving the annual Measure M2 Expenditure Report.

8. [Villa Park Community Services Foundation Board of Director appointments and approval of annual operating budget.](#)

ACTION: Acting as the Members of the Foundation, receive the recommendation provided by the Board of Directors and appoint Directors as stated in the staff report; and approve the annual operating budget of the Foundation.

12. [Second reading of Ordinance No. 2013-583, extending the sale and use of Safe and Sane Fireworks through July 4, 2014.](#)

ACTION: Approve a second reading and adopt Ordinance No. 2013-583.

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. [Request approval of City Council minutes of October 22 and November 19, 2013.](#)

Councilwoman Fascenelli pulled this item and pointed out mistakes in both records.

The Council requested the minutes be corrected and brought back to the next meeting.

7. [Consideration of 2014 City Council meeting schedule.](#)

Mayor Pro Tem Barnett pulled this item and suggested that the start time be changed.

Councilwoman Fascenelli cannot attend the June 10th budget study session and requested that it be changed.

City Council voice voted unanimously to move the June 10th budget study session to June 9th and discuss the change to start time at the next meeting.

9. [Release of City Manager's Educational Loan.](#)

Mayor Pro Tem Barnett pulled this item, supports the disbursement of the loan for education, but is concerned with the vague “educational” purpose of the loan. He is considering what council is comfortable with in the way of evidence for use of the loan.

Councilwoman Fascenelli is comfortable with the way the contract is written and thinks the evidence provided by City Manager Hildenbrand thus far is sufficient to award the loan.

Mayor Reese is also comfortable with the loan.

It was moved by Councilman Mills, seconded by Mayor Reese, and carried by the following roll call vote to approve the release of the city manager’s education loan:

AYES: Mills, Reese, Barnett, Fascenelli, Pauly

NOES: None

ABSENT: None

ABSTAIN: None

10. [Resolution No. 2013-3262, authorizing the destruction of certain City records as provided by section 34090 of the Government Code of the State of California.](#)

Mayor Pro Tem Barnett pulled this item and asked if we have electronic records of everything being destroyed, including checks and other financial documents.

Finance Director Danaher answered that we do have electronic records of financial documents. The City of Villa Park follows the records retention guidelines provided by the State of California.

It was moved by Mayor Pro Tem Barnett, seconded by Councilman Mills, and carried by the following roll call vote to adopt Resolution No. 2013-3262:

AYES: Barnett, Mills, Fascenelli, Pauly, Reese

NOES: None

ABSENT: None

ABSTAIN: None

11. [Amendment to Master Parking and Traffic Resolution.](#)

Mayor Pro Tem Barnett pulled this item and requested a synopsis of what was happening with the right turn from Katella.

Councilwoman Fascenelli answered that the change is to make the area safer for the children and the nearby elementary school. With a no right turn on red when children are present, cars will not stop in the middle of the crosswalk, preventing children from crossing the street safely.

Councilwoman Pauly is concerned that the sign will not be effective because drivers will not see children at that intersection.

City Manager Hildenbrand answered that the sign could restrict right turns at red lights during school hours.

Councilman Mills mentioned that drivers affected by this sign will likely be those picking up children from school and will be very aware when school is in session.

Council discussion ensued considering what restrictions the sign should make on right turns during red lights and how effective those restrictions would be at solving the problem under consideration.

It was moved by Councilwoman Pauly, seconded by Councilman Mills, and carried by a voice vote to table the matter.

NEW BUSINESS

13. [Consideration of agreement with Help My Community for business license discovery and compliance services.](#)

City Finance Director Danaher presented the staff report.

Councilman Mills confirmed that the service would find businesses inside and outside of the city that conducted business within the city boundaries.

Councilwoman Pauly asked what the current revenues are from businesses licenses (\$35,000), and confirmed that the company sends the letter on behalf of the city and creates the letter content with the city before sending it to businesses. She also clarified that this service would search for businesses run out of homes that conducted the majority of their business in other cities.

Mayor Reese opened the public hearing and closed it after no one wished to speak. Mayor Reese opened the discussion to the council.

Councilman Mills asked if city staff contracted by the city also had businesses licenses. Finance Director Danaher answered yes.

Councilwoman Pauly asked if there was a plan to retroactively fine those businesses that operated without a license, Finance Director Danaher answered that a retroactive charge is not in the code. She also asked what the city does to find businesses that do not have licenses. City Manager Hildenbrand described the city staff actions as minimal and restricted by time. Councilwoman Pauly also asked if anyone had called the rep from the company to get information about the company. Nobody has.

Councilwoman Fascenelli asks if the company will cross reference with other evidence for where the business actually operates.

Legal Counsel recommended that the council allow City Manager Hildenbrand permission to make minor changes, to change the wording to all collected revenues, and mentioned that any public records requirement in the contract would be preempted by California State law and would not be an issue for the city.

Mayor Pro Tem Barnett points out an auto renewal in the contract without 60 days notice. He also supports a one year trial instead of signing the contract for 6 years initially. He also introduced the idea of a 30% penalty for the found licenses so the city could get 100% of the original fee and the company would be paid with the 30% penalty. After Council discussion, the feeling was against any additional fines.

City Manager Hildenbrand reviewed the changes of no auto renewal, a one year contract to make a four year agreement, modify any area where HMC will only get a percentage of the collected revenue, and give city staff and legal counsel the authority to make changes as they deem appropriate and if there are material changes then review them with council.

Members of the Council want a better definition of what a business is but will give the authority to the city manager to make changes as necessary.

It was moved by Mayor Pro Tem Barnett, seconded by Councilman Mills and carried by the following roll call vote to approve and implement changes to the contract:

AYES: Barnett, Mills, Fascenelli, Pauly, Reese

NOES: None

ABSENT: None

ABSTAIN: None

14. [City Hall Public Restroom Improvements.](#)

City Manager Jarad Hildenbrand presented the staff report.

Mayor Reese opened the public hearing and closed it after no one wished to speak. Mayor Reese opened the discussion to the council.

Councilwoman Fascenelli wants to not accept the \$1,000 grant award from the Community Services Foundation. City Manager Hildenbrand applied for a \$5,000 grant. The Councilwoman does not think the Foundation's money is best spent on City Hall improvements.

It was moved by Councilwoman Fascenelli, seconded by Mayor Pro Tem Barnett and carried by the following roll call vote to authorize the City Manager to enter into contracts with vendors for the sole purpose of remodeling the City Hall's public restrooms, not accept the \$1,000 grant from the Community Services Foundation, and approve a budget adjustment of up to \$20,000 to cover improvement costs:

AYES: Fascenelli, Barnett, Mills, Pauly, Reese

NOES: None

ABSENT: None

ABSTAIN: None

15. [Crossing guard relocation from Villa Park Elementary School \(Center Drive/Villa Park Road\) to Villa Park High School/Cerro Villa Middle School \(Taft Avenue/Nichols Avenue\).](#)

City Manager Jarad Hildenbrand presented the staff report.

Mayor Reese opened the public hearing and closed it after no one wished to speak. Mayor Reese opened the discussion to the council.

Councilwoman Fascenelli discussed the issue with the Community Development Foundation, spoke with the schools and sheriff's department, and recommended this to the City Council along with the Community Services Foundation.

Councilwoman Pauly wondered if the crossing guard would be effective with the VPHS students. She also suggested a testing period.

It was moved by Councilwoman Fascenelli, seconded by Councilman Mills, and carried by the following roll call vote to approve the crossing guard relocation and review the change in 6 months:

AYES: Fascenelli, Mills, Barnett, Pauly, Reese

NOES: None

ABSENT: None

ABSTAIN: None

MAYOR AND COUNCILMEMBER MATTERS

16. [Councilmember requested matter \(Reese\): WiFi Wireless, Inc. regarding potential opportunity for City-wide WiFi.](#)

Mayor Reese introduced the Citywide WiFi matter. City Manager Hildenbrand requested more detailed information from the company about their plans for Villa Park and received a letter in response that has halted negotiations. City Manager Hildenbrand has drafted a letter in response and Mayor Reese recommends the City send the letter to Citywide WiFi.

Councilman Mills would like to completely drop the issue.

Councilwoman Pauly agrees that we should drop the issue. After extensive research Councilwoman Pauly found that Citywide WiFi could have been representing their position incorrectly and is concerned that Citywide WiFi lied to the Council during the presentation. She believes it is a bad idea to open the door further to this company.

Mayor Pro Tem Barnett thinks it is a great concept but working with Citywide WiFi is now a waste of time.

It was moved by Councilwoman Pauly, seconded by Councilwoman Fascenelli, and carried by the following roll call vote to not send the letter and to table the discussion until the next council meeting:

AYES: Pauly, Fascenelli, Barnett, Mills, Reese

NOES: None

ABSENT: None

ABSTAIN: None

17. [Appointment of the City's designated representative to the Vector Control Board.](#)

Legal Counsel reviewed the regulations for the process of appointing a representative to the Vector Control Board.

Councilwoman Pauly asked for clarification on the stipend given to representatives.

Mayor Reese nominates Councilman Mills for the VCD position for a two year term.

It was moved by Mayor Reese, seconded by Mayor Pro Tem Barnett, and carried by the following roll call vote to appoint Councilman Mills to the VCD position for a 2 year term:

AYES: Reese, Barnett, Mills, Pauly, Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

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

Mayor Reese invited Councilwoman Pauly to start the councilmember reports.

Councilwoman Pauly reported on Senator Wyland district event in San Diego who is running to represent Villa Park on the Board of Equalization. She also reported on a free speech event presented by the North Orange County Community College District Board Room and Supervisor Shawn Nelson. The event discussed how mayors can encourage free speech at council meetings while discouraging hate speech. She reported that the fraud prevention meeting was very informative and the free shredding was very helpful to the community. The Santa Tour and Boat Parade got the community in the Christmas Spirit. She attended Supervisor John Moorlach's Fundraiser for congressional bid in the 45th congressional district. And, Merry Christmas to all!

Councilman Mills thought the Santa Tour was a lot of fun and was glad they finished on that day given the rain. The Boat Parade was a great atmosphere but was disappointed at the lack of participation after the parade in the Town Center. The Vector Control topic was different bird diseases around the county. The VPWL Christmas Party was a very nice event. The CDC had two meetings this month. And Merry Christmas to the audience.

Councilwoman Fascenelli reported on School Committee Meetings, CDC, Boat Parade, and Foundation meetings. The Foundation meeting added a board member and renewed other members' terms. The Water Board meeting had nothing new. The County's Social Host Ordinance was not approved.

Councilwoman Pauly asked if the City of Villa Park would be covered under the ordinance. It will not because the ordinance was for unincorporated only.

Mayor Pro Tem Barnett reported that the OCFA union contracts are coming up next year. The board is active and anxious to get things done that make sense. Villa Park will

aggressively push forward to create a Fire Authority that is reasonable and sustainable from year to year with a balanced budget.

Mayor Reese reported on the OC Sanitation meeting where they adopted a new purchasing ordinance for the organization. He also attended an OCFA reserve graduation and is proud of the reserves that help OCFA. The Santa and Boat Parade was a great time. Wished all a Merry Christmas.

Election of Mayor and Mayor Pro Tem

19. Election of Mayor and Mayor Pro Tem.

Mayor Reese declared the offices of Mayor and Mayor Pro Tem vacant and turned it over to City Manager Hildenbrand.

City Manager Hildenbrand asked for councilmembers to make nominations for Mayor.

Councilman Reese nominated Councilman Barnett for Mayor for 2014.

Councilman Barnett was elected as Mayor by the following roll call vote:

AYES: Barnett, Fascenelli, Mills, Reese

NOES: None

ABSENT: None

ABSTAIN: Pauly

Mayor Barnett is excited to serve as Mayor in the very unique city of Villa Park and will be open to all.

Mayor Barnett asked for councilmembers to make nominations for Mayor Pro Tem.

Mayor Barnett and Councilman Mills nominated Councilwoman Fascenelli for Mayor Pro Tem.

Councilwoman Fascenelli was elected as Mayor Pro Tem by the following roll call vote:

AYES: Barnett, Fascenelli, Mills, Reese

NOES: None

ABSENT: None

ABSTAIN: Pauly

ADJOURNMENT

The City Council adjourned at 10:12 p.m. The next Regular meeting will be held on Tuesday, January 28, 2014 at 7:00 p.m.

Brad Reese, 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.