

Villa Park City Council Installation Meeting

December 9, 2014
6:30 p.m.



Rick Barnett, *Mayor*
Diana Fascenelli, *Mayor Pro Tem*
Greg Mills, *Councilman*
Deborah Pauly, *Councilwoman*
Brad Reese, *Councilman*

City of Villa Park, 17855 Santiago Boulevard, Villa Park, CA

GENERAL PROTOCOL

The City of Villa Park City Council welcomes you to this meeting and encourages your participation. Regular City Council meetings are held on the fourth Tuesday of each month at 6:30 p.m.

Agenda Information

This agenda contains a brief general description of each item to be considered. The Agenda and supporting documentation is available at 4:00 p.m. on the Friday prior to the Council meeting at the City Clerk's Office located at City Hall, 17855 Santiago Blvd, Villa Park, during regular business hours, 8:00 a.m. - 5:00 p.m. Monday through Friday, as well as on the City's Website www.villapark.org. Any documents received after the agenda packet distribution, are available at the Council meeting, City Clerk Office counter, and are posted on the City's Website. Information may be obtained by calling the City Clerk's Office at (714) 998-1500.

Public Testimony

Pursuant to Government Code Section 54954.3, the public may comment on any agenda item before or during consideration by the City Council, and on any other matters under the Council's jurisdiction. Applicants making presentations to the Council on agenda items are given sufficient time to address the Council and are also provided an opportunity to address questions from the public. The public is then allowed up to five (5) minutes to speak on that specific agenda item. General public comments are agendized under Public Comments section at the **beginning** of the 6:30 p.m. Session. WHEN SPEAKING, please face the City Council and state your name and address for the record.

Televised Meeting Schedule

City Council meetings are televised live on Time Warner Cable Channel 3 and AT&T U-verse Channel 99 and streamed live and on-demand on the City's website.

In compliance with the Americans with Disabilities Act, the City of Villa Park will make every reasonable attempt to accommodate attendees or participants at this meeting who need special assistance beyond what is normally provided. Please contact City Hall at (714) 998-1500 at least 48 hours prior to this meeting to inform us of your particular needs and to determine if accommodation is feasible.

CITY COUNCIL AGENDA

December 9, 2014

6:30 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS

At this time, members of the public may address the Council on any off-agenda items within the subject matter jurisdiction of the Council, provided that NO action may be taken on off-agenda items unless authorized by law. Comments are limited to five (5) minutes per person.

MUNICIPAL ELECTION MATTERS

1. Consideration of Resolution No. 2014-3302, a Resolution of the City Council of the City of Villa Park, California, reciting the fact of the General Municipal Election held on November 4, 2014, declaring the results and such other matters as provided by law.

RECOMMENDATION: Adopt.

2. Special tribute to Councilmembers Deborah Pauly and Brad Reese.

Comments by public;
Comments by outgoing Councilmember Deborah Pauly;
Comments by outgoing Councilmember Brad Reese; and
Thereafter, they will step down from the Council dais.

3. Oaths of Office and Seating of Newly Elected Councilmembers.

Administration of Oath of Office to Councilmember-elect Bill Nelson
Administration of Oath of Office to Councilmember-elect Robert "Bob" Collacott
Administration of Oath of Office to Councilmember-elect Diana Fascenelli
Comments by newly-elected Councilmembers.

4. Election of Mayor and Mayor Pro Tem by the City Council.

Following historical procedures, the Mayor shall declare the Offices of Mayor and Mayor Pro Tem vacant. The City Clerk will then conduct an election among the Council for a Mayor. Next, the new Mayor shall conduct an election for Mayor Pro Tem.

ADJOURNMENT

To an Adjourned Regular Meeting on December 16, 2014 at 6:30 p.m.

RECEPTION HONORING NEWLY ELECTED MEMBERS OF THE CITY COUNCIL

AFFIDAVIT OF POSTING

I, Jarad L. Hildenbrand, City Clerk of the City of Villa Park, California, do hereby certify that on the 5th day of December, 2014, I did post a true and correct copy of Said Agenda in the designated area (s) at 4:00 p.m.:

17855 Santiago Boulevard, Villa Park, California
www.villapark.org

**MUNICIPAL ELECTION MATTERS
AGENDA ITEM # 1**

**CITY OF VILLA PARK
CITY COUNCIL
DECEMBER 9, 2014**

To: Honorable City Council
From: Jarad Hildenbrand, City Manager 
Subject: **NOVEMBER 4, 2014 GENERAL MUNICIPAL ELECTION RESULTS**

BACKGROUND

On May 27, 2014, the City Council adopted Resolution No. 2014-3282, calling a General Municipal Election to be held on November 4, 2014 for the election of three Members of the City Council, and Resolution No. 2014-3273, ordering the submission of a measure to the City’s voters concerning the sale and use of Safe and Sane Fireworks.

DISCUSSION

The County Registrar of Voters has issued a Certificate as to the Results of the Canvass of the General Election Returns listing the results of the City of Villa Park Municipal Election. Bill Nelson, Robert “Bob” Collacott, and Diana Fascenelli were declared the winners. In addition, a majority of the voters voting on Measure II voted in favor of the measure.

It would be appropriate for the City Council to declare the results of the election by the adoption of Resolution No. 2014-3302. With the adoption of this Resolution, Measure II, attached as Ordinance No. 2014-587, is also adopted and ratified, and shall go into effect ten days after this date.

FISCAL IMPACT

A total of \$15,000 was included in the FY 2014-15 budget for the 2014 General Municipal Election. The final accounting from the Registrar of Voters should be received by late January or early February 2015.

RECOMMENDATION

That the City Council adopt Resolution No. 2014-3302, reciting the fact of the General Municipal Election held on November 4, 2014, declaring the results and such other matters as provided by law.

ATTACHMENTS

Resolution No. 2014-3302

RESOLUTION NO. 2014-3302

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VILLA PARK CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

WHEREAS, a General Municipal Election was held and conducted in the City of Villa Park, California, on Tuesday, November 4, 2014, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution No. 2014-3274, adopted May 27, 2014, the County Registrar of Voters canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VILLA PARK, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the total number of ballots cast in the City including vote-by-mail and precinct ballots was 2,593.

SECTION 2. That the names of persons voted for, and votes received, at the election for Member of the City Council is as follows:

Bill Nelson	1,362
Robert "Bob" Collacott	1,251
Diana C. Fascenelli	1,156
Karl Kreutziger	1,040
Sanjay "Jay" Khetani	730
Stephen Miller	643

SECTION 3. That the measure voted upon, and votes received, at the election is as follows:

Shall the ordinance be adopted allowing the sale, purchase, and use of Safe and Sane Fireworks within the City of Villa Park, subject to any and all reasonable regulations implemented by the City Council permitting such sale, purchase, and use?

YES	1,436
NO	1,109

SECTION 4. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure were as listed in the Statement of Votes attached.

SECTION 5. The City Council does declare and determine that: Bill Nelson was elected as Member of the City Council for the full term of four years; Robert "Bob" Collacott was elected as Member of the City Council for the full term of four years; and Diana C. Fascenelli was elected as Member of the City Council for the full term of four years.

SECTION 6. The City Council does declare and determine that as a result of the election, a majority of the voters voting on the measure relating to the sale, purchase and use of Safe and Sane Fireworks within City limits, did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

SECTION 7. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The measure(s) voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure; (6) The total number of votes given to each person, and for and against each measure.

SECTION 8. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON DECEMBER 9, 2014.

Richard Barnett, Mayor
City of Villa Park

ATTEST:

Jarad L. Hildenbrand, City Clerk
City of Villa Park

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF VILLA PARK }

I, **Jarad L. Hildenbrand**, City Clerk of the City of Villa Park **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at an adjourned regular meeting of the City Council of the City of Villa Park held on the 9th day of December 2014, and was carried by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Jarad L. Hildenbrand, City Clerk
City of Villa Park

Orange County Statement of Votes

CITY OF VILLA PARK Member, City Council											
Precinct	Party Member Registration	Ballots Cast	Turnout	CITY OF VILLA PARK Member, City Council		BILL NELSON	DIANA C. FASCENELLI	KARL KREUTZIGER	ROBERT COLLACOTT	SANJAY "JAY" KHETANI	STEPHEN MILLER
0075111	543	347	63.90%			186	161	144	169	97	63
0075112	431	266	61.72%			138	123	104	126	73	77
0075114	430	260	60.47%			127	108	142	96	68	72
0075115	605	386	63.80%			209	154	197	184	95	91
0075601	1077	658	61.10%			359	282	235	342	178	160
0075602	1114	676	60.68%			343	328	218	334	219	180
Totals:	4200	2593	61.74%			1362	1156	1040	1251	730	643

II-City of Villa Park, Safe & Sane Fireworks Measure							
Precinct	Party Member Registration	Ballots Cast	Turnout	II-City of Villa Park, Safe & Sane Fireworks Measure		Yes	No
0075111	543	347	63.90%			216	121
0075112	431	266	61.72%			159	101
0075114	430	260	60.47%			139	116
0075115	605	386	63.80%			211	169
0075601	1077	658	61.10%			356	293
0075602	1114	676	60.68%			355	309
Totals:	4200	2593	61.74%			1436	1109

ORDINANCE NO. 2014-587

AN ORDINANCE OF THE CITY OF VILLA PARK, CALIFORNIA, AMENDING ARTICLE 11-2 OF THE VILLA PARK MUNICIPAL CODE TO ADD SECTION 11-2.05 ("PURCHASE, SALE, AND USE OF SAFE AND SANE FIREWORKS") AND TO REPEAL SECTION 11-2.11 ("EXPIRATION OF ORDINANCE")

WHEREAS, the City Council previously temporarily permitted the purchase, sale, and use of Safe and Sane fireworks within the City of Villa Park, subject to the restrictions and regulations set forth in Article 11-2, including an expiration date of the Safe and Sane Fireworks Ordinance; and

WHEREAS, the City Council has declared its intent to submit the question of the use and sale of Safe and Sane Fireworks to the City's voters; and

WHEREAS, by approving this Measure, the voters intend and thereby do repeal the expiration date of the Safe and Sane Fireworks Ordinance, as set forth in Villa Park Municipal Code Section 11-2.11; and notwithstanding the voter's approval of the purchase, sale, and use of Safe and Sane Fireworks in the City of Villa Park, the voters further intend and thereby do grant the City Council the broad authority to establish, amend, and repeal reasonable rules and regulations relating to the purchase, use, and sale of Safe and Sane Fireworks in the City of Villa Park.

The People of the City of Villa Park do ordain as follows:

Section 1. Section 11-2.05, entitled "Purchase, Sale, and Use of Safe and Sane Fireworks," shall be added to Article 11-2 of Title 11 of the Villa Park Municipal Code as follows:

- A. Approval of the Purchase, Sale, and Use of Safe and Sane Fireworks. The purchase, sale, and use of Safe and Sane Fireworks (as that term is defined in California Health and Safety Code Section 12529 or any successor provision thereto) in the City of Villa Park is permitted, subject to the reasonable rules and regulations which shall be established and amended by the City Council of the City of Villa Park from time to time.
- B. City Council Authority to Regulate the Purchase, Sale, and Use of Safe and Sane Fireworks. The City Council is hereby granted broad authority, in its sole discretion, to establish, amend, and repeal such reasonable rules and regulations relating to the purchase, use, and sale of Safe and Sane Fireworks in the City of Villa Park. Specifically, the City Council may establish as needed, by resolution or ordinance, such reasonable rules and regulations as may be appropriate to establish, amongst other things, the qualifications of those who may

sell safe and sane fireworks; the time periods in which safe and sane fireworks may be sold and discharged; the locations where safe and sane fireworks may be sold and discharged; the manner in which safe and sane fireworks may be discharged, stored, disposed of, etc.; the number of permits which may be required relating to safe and sane fireworks; and any such similar provisions to protect the public health, safety, and welfare. In addition, the City Council shall continue to have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by competent operators in a manner which protects life and property in the City.

Section 2. Section 11-2.11 of Article 11-2 of Title 11 of the Villa Park Municipal Code, entitled "Expiration of Ordinance," shall be amended to read in its entirety as follows:

~~11-2.11 Repealed. EXPIRATION OF ORDINANCE. The ordinance from which this article is derived has been extend through the July 4, 2014 holiday. After which, the City Council will place on the November 2014 General Municipal Election ballot a measure concerning the sale and use of Safe and Sane Fireworks so that the voters of Villa Park are allowed to directly decide the issue.~~

Section 3. The approval of this Measure shall not in any manner affect the prosecution for violations of Article 11-2, which violations were committed prior to the effective date of this ordinance, and shall not be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof.

Section 4. The voters hereby declare that should any section, paragraph, sentence or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the voters that they would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 5. This Ordinance shall be effective only if approved by a majority of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council. The Mayor and City Clerk are hereby authorized to execute this Ordinance to give evidence of its adoption by the voters.

PASSED, APPROVE and ADOPTED by the People of the City of Villa Park on the 4th day of November, 2014.

Richard Barnett, Mayor
City of Villa Park

ATTEST:

Jarad Hildenbrand, City Clerk
City of Villa Park

APPROVED AS TO FORM:

City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF VILLA PARK }

I, Jarad Hildenbrand, City Clerk of the City of Villa Park, California, do hereby certify that the foregoing Ordinance was approved at a General Municipal Election by the People of the City of Villa Park held on the 4th day of November, 2014, and was declared adopted by the City Council on the 9th day of December, 2014.

Jarad Hildenbrand, City Clerk
City of Villa Park

MUNICIPAL ELECTION MATTERS
AGENDA ITEM # 4

CITY OF VILLA PARK
CITY COUNCIL
DECEMBER 9, 2014

To: Honorable City Council

From: Jarad Hildenbrand, City Manager 

Subject: **ELECTION OF MAYOR AND MAYOR PRO TEM**

The following historical procedures will be followed for the election of the Mayor and Mayor Pro Tem by the City Council:

1. The Mayor will declare the offices of Mayor and Mayor Pro Tem vacant.
2. The City Clerk will state that nominations are now open for the office of Mayor.
3. Council Members need not be recognized to make a nomination.
4. No second is required, but sometimes one or more members will second a nomination to indicate endorsement.
5. When it appears no one else wishes to make a nomination, the City Clerk will ask if there are any further nominations; and if there is no response, the City Clerk will declare nominations closed.
6. After nominations have closed, voting takes place. All votes shall be taken by a roll call.
7. If more than one nominee, they are voted on in the order in which they were nominated.

Example: Those in favor of Mr. / Mrs. A say aye --- those opposed say no --- the ayes have it and Mr. / Mrs. A is elected.

If the noes are in the majority:

The noes have it and Mr. / Mrs. A is not elected. Those in favor of Mr. / Mrs. B (the next nominee) ---

8. As soon as one of the nominees receives a majority vote, he/she is declared elected and no votes are taken on the remaining nominees.
9. Once the Mayor has been elected, he/she takes the floor and conducts the election for the Mayor Pro Tem in the same manner as the election for Mayor. After nominations have closed, the City Clerk will conduct the voting.