

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

February 23, 2016
Regular Meeting

CLOSED SESSION
5:30 p.m. – City Council Chambers

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

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Fascenelli, Nelson and Mills

ABSENT: None

1. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to Subdivision (b) of Section 54956.9 of the Government Code where, in the opinion of the City Council based on advice of the City Attorney, based in existing facts and circumstances, there is a significant exposure to litigation against the City (two potential cases).

ADJOURNMENT – at 6:30 p.m.

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

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 – Carl Arnold

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Presentation from the Orange County Human Relations Commission
- Orange County Sheriff's Department update
- Orange County Fire Authority
- Budget and Finance Committee Meeting
- Human Resources Committee
- Law Enforcement Advisory Committee
- Investment Advisory Committee
- Villa Park Community Services Foundation
- Local School Committee Meeting
- Serrano Water Board Meeting

City Attorney Meagan Garibaldi stated there were no reportable actions from Closed Session.

ORAL COMMUNICATIONS

Mayor Mills opened public comments.

Donna Buxton, Villa Park resident, commented on the extra safety the Sheriff's Department provided at her home.

Mayor Mills closed public comments.

PUBLIC HEARINGS

2. 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

3. Administrative Fine Appeal Hearing – 18011 Wellington Circle

Mayor Mills opened the appeal hearing.

City Manager Hildenbrand gave the staff report. The property has been subject to code enforcement action regarding property maintenance conditions. City staff has spoken with the property owner to remedy this issue but violations have continued. In doing so, the owner has been issued two administrative fines pursuant to Article 1-8 of the Villa Park Municipal Code. At a meeting held at City Hall on January 26, 2016, the property owner paid the fines in protest and requested an appeal hearing before the City Council.

Councilwoman Fascenelli inquired on the amount that is being appealed. City Manager Hildenbrand replied the owner is appealing \$310. The City Manager has since issued an additional \$500 fee, but it is not included in this hearing.

City Manager Hildenbrand read the ordinance regarding the storage of trashcans.

Councilman Barnett asked if warnings were distributed before the fines. City Manager Hildenbrand replied yes, several had been issued.

Mayor Mills opened public comments.

Ellen Kincaid, Villa Park resident, stated she had recently gone to court to file a restraining order against the renters. She said at the court hearing, the home owner Mr. Faulk, stated he received his first citation on January 13, 2016 regarding the trashcans being left out, and not before. Ms. Kincaid spoke about being harassed by the students living in the home next door. Mr. Burman from Chapman University advised her to place no trespassing signs on her property to deter the students from coming over.

Calvyn Vasquez, Villa Park resident, lives across the street from the property on Wellington. He stated he has not seen most of the issues that have been brought forward regarding the students. Mr. Vasquez stated Mr. Kincaid physically assaulted him during Mrs. Kincaid's public comments tonight.

Richard Pinto, Villa Park resident, lives next door to the home on Wellington. He expressed concern with the amount of students who attend the parties. Mr. Pinto asked if there is a permit for gatherings this size. He said noise and language are serious problems that need to be addressed.

City Attorney Meagan Garibaldi stated the evidence should be related specifically to this item, which is the issue of trashcans.

Cari Calvy, Villa Park resident, stated trash has been piled along the side of the yard and not taken to the trashcans. As a result, rats have been attracted to the area. Ms. Calvy said this issue also affects the value of the homes nearby. She expressed concern with the safety of her family due to items being thrown over the fence into her yard.

Mayor Mills asked if the property owner or a representative of the property is present at the meeting and would like to speak. There was no response.

Mayor Mills closed public comments.

Mayor Mills closed the public hearing.

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote, to uphold the City Manager's decision to justify the administrative fines of \$310.00 posed on the property at 18011 Wellington Circle.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

4. [Consideration of Ordinance No. 2016-598, Amending Sections 6-9.13 of Article 6-9 – Loud Parties – of the Villa Park Municipal Code.](#)

Councilwoman Fascenelli asked how many instances the Sheriff's Department has been called out to a loud party in Villa Park last year. Lieutenant Gunzel replied he had not collect this data and would look into it.

Councilwoman Fascenelli said the ordinance reads like a HOA and inquired who wrote it. City Manager Hildenbrand replied the current ordinance has been in effect since 1974. The only revisions to the ordinance being proposed is to increase the violation amount from \$500 to \$1,000 and extending the subsequent response timeframe from 24 hours to one year (365 days).

Councilwoman Fascenelli said the current ordinance is poorly written and needs to be rewritten. She expressed concern with the one-year subsequent response saying she finds this time frame is illegal and is a restriction on residents rights. Councilwoman Fascenelli stated without the data, she is not sure how this item can be looked at.

Mayor Mills opened the public hearing.

Tammy Kincaid, Villa Park resident, spoke about issues that may arise with the new school year and with new students. She would like to prevent having another home like the one on Wellington coming to Villa Park.

Cari Calvy, Villa Park resident, expressed concern about the noise, crude music and the number of parties at the home on Wellington. She said many of the parties begin after 11:00 p.m. with hundreds of students attending. Ms. Calvy spoke about preventing fraternity homes from popping up if the right ordinances are not in place. In addition, this issue has affected the value of homes in the neighborhood. She talked about her daughter not being able to sleep through the night because of the noise. Ms. Calvy has attended several Law Enforcement Advisory Committee meetings regarding this home. In addition, she has spoken with the Dean of Students and the Fraternity at Chapman College.

Donna Buxton, Villa Park resident, thanked the Law Enforcement Advisory Committee for responding to this issue. She spoke about an article written in the local newspaper regarding the City of Orange and their issues with large parties. Ms. Buxton relayed Chapman University intends to expand its campus 17 acres and add 3,000 students. She stated the City of Orange intends to enhance the wording to their ordinance. Ms. Buxton urged the City Council to support the suggestions brought forward today to get ahead of the problem before it spreads to Villa Park.

Ellen Kincaid, Villa Park resident, stated she does not want to have an ordinance that sounds like an HOA. She stated the boys have been destructive in her life and wants to come up with a resolution.

Mayor Pro Tem Barnett asked what type of judicial proceedings Ms. Kincaid was involved in. Ms. Kincaid replied she represented herself in filing a restraining order. She was not granted the order since the students were advised to leave the house on December 5 through January 6. As a result, the restraining order had lapsed.

City Manager Hildenbrand said the ordinance has been on the books since 1996. This ordinance specifically addresses loud parties. He said children's birthday parties; weddings and small gatherings will not be considered an issue. City Manager Hildenbrand stated it would be in the officers discretion when being called to a noise disturbance.

Doug Kincaid, Villa Park resident, spoke about being bullied by the students and the homeowner Mr. Faulk. He said the students do not care what happens to the community.

Sam Kishner, Villa Park resident, spoke about a wedding she had at her home several years ago where the police came due to a noise complaint. Ms. Kishner said she is a realtor who sold a home on Wellington Circle and is receiving calls from the homeowner regarding the constant partying and noise. She said this type of partying brings down property value in the neighborhood.

Amanda Als bore, Villa Park resident, expressed concern that the ordinance will affect her children who are musicians and may practice late at night. She asked why there has

not been any relief to the neighbors that live on Wellington. Ms. Alsore does not agree with the 365 days of subsequence response timeframe.

Allan Serragay, Villa Park resident, spoke in opposition of the one-year subsequence response timeframe. He said this is taking away residents rights to have a party.

Christine Thomas, Villa Park resident, stated the students need to be held accountable and be responsible for their actions. She said the individual person who is causing a repetitive nuisance should be held accountable.

Riley Sanchez, Villa Park resident, spoke about the noise issue and said it has disturbed her sleep.

Jim Sanchez, Villa Park resident, said her home is located near the nuisance home on Wellington. He spoke about being woken up late at night due to the loud and late night partying.

Vince Rossini, Villa Park resident, spoke in support of the adoption of the ordinance and the suggested amendments. He trusts the discretion local law enforcement has when they respond to noise complaints. Mr. Rossini said the ordinances are in place to protect the residents of Villa Park. He stated this ordinance would apply to parties with amplified music with hundreds of people in attendance. Mr. Rossini spoke about the increase in students at Chapman University in the coming year, which could affect Villa Park.

Richard Pinto, Villa Park resident, said several parties are taking place each week that begin at 11:00 p.m. and later.

Crystal Myles, Villa Park resident, inquired who wrote the proposed ordinance. City Manager Hildenbrand replied it was a combination of several cities, but was modeled from the City of Chula Vista. He said the one-year subsequence response timeframe change wording came out of an ordinance from the City of Chula Vista.

Ms. Myles spoke in support of holding specific individuals responsible. She said residents should have the ability to have a good time, but also be respectful to their neighbors. Ms. Myles appreciates the sheriff department using their discretion. She does not agree with the changes to the subsequence response timeframe.

City Attorney Meagan Garibaldi said the City Council could make the decision to make any changes to the subsequence response timeframe.

Ms. Miles commented on parties that charge for people to attend.

Carl Arnold, Villa Park resident, expressed concern with the timeframe and suggested it be changed to 30 days. He said the Sheriff has the ability to shut down a party if they want to.

Calvyn Vasquez, Villa Park resident, said when the students first moved in, the parties were happening frequently and that they would notify the immediate neighbors. He spoke in opposition of the \$1,000 fine and suggested making the timeframe several weeks or a month.

Jack Ferraro, Villa Park resident, spoke in support of the 365-day timeframe. He said the Sheriff has the ability to shut down a party and make arrests for underage drinking. Mr. Ferraro stated the Sheriff can arrest those who are administering alcohol to minors and that those who are distributing at the party can be thrown in jail.

Christine Thomas, Villa Park resident, expressed concern why this issue has not been remedied. Ms. Thomas stated more information is needed as well as taking into consideration of all the public comments tonight before a decision is made.

Mayor Mills stated the council does not want neighbor-to-neighbor issues.

Christine Thomas suggested looking into enforcement and said there should be laws above the city ordinances. She said an incident that reoccurs with so many complaints should be prosecuted.

Amanda Alsobore, Villa Park resident, stated a new ordinance is not needed, but follow through with enforcement. She would like her children to be able to play their musical instruments after 8:00 p.m. and not have any repercussions.

Lorie Skethington, Villa Park resident, asked if the fundraisers she holds at her home during the day would be an issue. City Manager Hildenbrand replied this ordinance would be for loud parties and officers would need to determine if is a threat to public safety. He stated the Sheriff's Department has been out to the property on Wellington several times and ended parties as well. City Manager Hildenbrand said the Sheriff's Department would serve a notice with the first response, and if they are called out a second time, they can issue a fine. He relayed the Sheriff's Department has not had the ability to issue citations due to the current ordinance.

Ms. Skethington suggested writing an ordinance specifically for Villa Park.

City Manager Hildenbrand reiterated the ordinance has been on the books since 1996 and has not been re-written. There are only two changes being suggested tonight.

Mayor Pro Tem Barnett spoke about the conduct of a fraternity in a residential neighborhood. He spoke in support of extending the enforcement period to 30 days.

Mayor Pro Tem Barnett said the isolated problem requires specific civil or criminal injunctive relief to make a statement and set an example. The issue requires further consideration including specific legal proceedings in regards to this specific residence. He is not looking to rewrite the codes for this isolated problem. This problem needs to be addressed in court. Mayor Pro Tem Barnett suggested continuing these three related items and seek tangible legal options to go forward with. He is planning on talking to the students who are involved.

Councilwoman Fascenelli asked if there is anything in the city ordinances about paying to attend a party and suggested looking into any enforcement with it. She said this residence has charged for parties because they post it on Instagram. Councilwoman Fascenelli stated instead of impacting the rest of the residents, the ordinance should be left as is. She also suggested looking into laws that would prohibit large amount of people at parties. City Attorney Meagan Garibaldi replied the city does not have a special events permit, which would determine a certain number of guests. City Manager Hildenbrand said the City Council has discussed special events permits in the past but that it did not receive a unanimous vote to pass.

Councilman Nelson spoke in support of all three ordinances. He spoke about the issues the City of Orange is having with Chapman University students and that they are strengthening their ordinance. Councilman Nelson said the changes do not affect events such as birthday parties and weddings.

Councilman Collacott asked what law enforcement has done to remedy the issues on Wellington Circle. Lieutenant Gunzel replied they have been responding to calls on this street since January 2015, and have visited the specific house on Wellington Circle, 21 times. He said to date; they have issued two notices at this location. Lieutenant Gunzel stated in order for the Sheriff's Department to take any legal action, disturbance calls made cannot be made anonymous. He relayed someone needs to be a victim of the disturbance in order for them to follow through.

Councilman Collacott asked about enforcement of underage drinking. Lieutenant Gunzel said their main goal is to end the party. They would need additional deputies in order to check identification of several hundred students.

Lieutenant Gunzel stated the Sheriff's Department is required to responds when someone has called regarding noise issues. Many times, they will issue warnings to keep noise down in events such as weddings and birthday parties. Currently, they have not issued any citations for mild disturbances such as these.

Councilman Collacot asked if there was anything law enforcement could have done to stop these parties and to get control of the situation that they have not tried. City Manager Hildenbrand replied the city cannot stop a party from occurring, but the ordinance can be used as a tool to prevent future situations. Lieutenant Gunzel said

they have met with Chapman University and was told they would be conducting their administrative hearings for the fraternity.

Councilman Collacott stated with the current ordinance, the Sheriff's Department has not been able to control the issue, which has been taking place since August 2015. It has impacted the elderly, disabled, children and property value. He said one of the primary responsibilities of the city council is to protect its residents. Currently, the City of Orange is improving their ordinances to get better control over the situation in their city. He suggested having a period of time longer than 24 hours. Councilman Collacott said the ordinance is to provide deputies with the tools to deal with reoccurring issues and loud parties. He is in support of all three proposed ordinances.

Mayor Pro Tem Barnett questioned if there needs to be more laws. He agrees to change the timeframe to 30 days. He suggested the Sheriff's Department check identification for underage drinking and to use the laws that are currently in place. Mayor Pro Tem Barnett said the city needs to go in for injunctive relief. He would like to set the record straight that this should not and will not continue to take place in Villa Park. Mayor Pro Tem Barnett has no objecting to changing it to a 30-day timeframe and continue the remaining items.

Councilman Collacott agrees with the 30-day timeframe.

City Attorney Meagan Garibaldi said discussion on this item is veering out of the scope of the Brown Act. She stated City Council discussion is limited to the agenda topic. City Attorney Meagan Garibaldi spoke about the public nuisance process, administrative citation process and the criminal citation process for issues such as the one being discussed. She said the city can initiate litigation against the parties but they would need the grounds to do so. City Attorney Meagan Garibaldi stated it is not appropriate to currently discuss this issue.

Councilwoman Fascenelli stated she is disappointed that there are three ordinances that will affect the entire city where the main issue stems from one house. She expressed concern that the suggestion came from the Community Development Committee and the Law Enforcement Advisory Committee.

Councilman Nelson stated with the City of Orange strengthening their ordinances, the problem will move over to Villa Park. The proposed changes to the ordinances will strengthen what the city already has in place. He said this does not apply to normal activities such as birthday parties and weddings.

Mayor Pro Tem Mills reiterated that it is important to give your name when filing a complaint to the Sherriff's Department.

A motion was made by Mayor Pro Tem Barnett to amend the original ordinance by changing the timeframe from 24 hours to 30 days. It was seconded by Councilman Collacott.

City Manager Hildenbrand replied the \$1,000 fee includes funding law enforcement time.

A substitute motion was made by Councilwoman Fascenelli to keep the original ordinance as is. There was no second. The motion fails.

A motion was made by Mayor Pro Tem Barnett, seconded by Councilman Collacott, and approved by the following roll call vote, to approve the first reading of Ordinance No. 2016-598, with the amendments of changing the timeframe from 24 hours to 30 days and to increase the violation from \$500 to \$1,000; and set March 22, 2016, as a second reading and adoption.

AYES: Barnett, Collacott, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

The City Council recessed at 8:46 p.m. and resumed at 9:01 p.m.

5. **Consideration of Ordinance No. 2016-599, Amending Article 6-6 – Noise Control – of the Villa Park Municipal Code**

City Manager Hildenbrand reported this item came from the Community Development Committee and the Law Enforcement Advisory Committee. He said these changes would amend the original ordinance from 1974. They would also leave the discretion up to the officer responding to the noise complaint.

Councilwoman Fascenelli stated this ordinance is a result from the issues on Wellington. She talked about everyday noises such as when school is in session and gardeners. Councilwoman Fascenelli asked if the city would need to notify residents when there are holidays since this may increase noise being made. She spoke about the administrative fines and noises made by swimming pool equipment, horns, motorcycles and bouncing balls.

Councilwoman Fascenelli asked why these items were placed in the ordinance. City Manager Hildenbrand replied the changes came from the Law Enforcement Advisory

Committee (LEAC) to address residential concerns. Councilwoman Fascenelli expressed concern that LEAC is working outside of their scope.

City Manager Hildenbrand replied that standard pool equipment noise would not be a violation. He spoke about the construction section of the ordinance, saying no changes have been made to it and that it is a reflection of the city's Municipal Code. City Manager Hildenbrand stated school band and entertainment is exempt of this law. He talked about concern of noise being made by a bouncing ball, and if calls were made regarding the noise, it would be under the officer's discretion when addressing this problem.

Councilwoman Fascenelli asked why LEAC wanted to rewrite the noise ordinance. City Manager Hildenbrand replied there was a complaint regarding student noise and the impact it has in the neighborhood. He gave an example such as a DJ at a party. Councilwoman Fascenelli stated we should not be rewriting an entire ordinance because of one house.

Councilman Nelson spoke about fraternity house issues that the City of Orange is currently dealing with. He said in order for Villa Park to protect itself, they need to move forward with the proposed changes to the ordinance.

Councilwoman Fascenelli asked how this would stop students from Chapman coming into Villa Park.

Mayor Mills opened public comments.

Ellen Kincaid, Villa Park resident, stated LEAC has been very helpful when she did not get relief from the city. She does not want to put stipulations on homeowners who want to have a party. Ms. Kincaid spoke about her husbands declining health and the affect loud parties have on him and her family. She said the parties taking place have 100 to 200 students attending. Ms. Kincaid spoke about approaching the City Council in the past regarding this issue and not getting assistance. She has also spoken with City Manager Hildenbrand many times to find a solution. Ms. Kincaid expressed concern that the homeowner Mr. Faulk will fight her financially in the future.

Councilwoman Fascenelli stated she brought up a different way to handle Ms. Kincaid's situation to the City Manager.

Cari Calvy, Villa Park resident, asked if the ordinance could include wording specifically related to a fraternity house. City Attorney Meagan Garibaldi replied it would create a number of problems from enforcement to liability issues. Ms. Calvy spoke about her investment into her home and would like to be able to enjoy it and not be stress because of the continuous partying and noise.

Councilwoman Fascenelli stated it is important to remember that when the students leave, the problem will go away. She relayed the issue at this particular house needs to be addressed. Ms. Calvy suggested by doing something now, it would give the next person who may have this issue some assistance. When making noise complaints to the Sheriff's Department, Ms. Calvy had always used her name. She was never asked by dispatch to file a written complaint.

Mayor Mills stated it is important for the community to know they need to file a written complaint.

Donna Buxton, Villa Park resident, spoke about the importance of seeing this as an exposure of the future that needs to be addressed.

Villa Park resident, stated another fraternity house will come to Villa Park with the changes the City of Orange is making to their ordinance. She spoke about a discussion she had with a Sherriff Deputy where they were rude and unprofessional.

Crystal Niles, Villa Park resident, spoke about the follow through from law enforcement on the issue on Wellington. She inquired why the issue has not been fixed and thinks administering fines may help alleviate the issue. Ms. Niles stated there are laws regarding single-family properties and renting homes when the homeowner is not living in the home. She spoke about researching legal solutions and in opposition of making changes to the ordinances.

Mayor Mills closed public comments.

Councilman Nelson stated no changes have been made to the ordinance since 1974 and that alone should warrant updating it. He said the current ordinance looks at a decibel meter and does not mention the Sheriff's Department involvement. Councilman Nelson spoke about modernizing and updating the ordinance.

Councilman Collacott apologized to the families affected by the home on Wellington and spoke about the city's inability to control the situation. He said the City has not been able to address the noise emanating from one particular residence with the current ordinance and that it needs to be remedied.

Councilwoman Fascenelli inquired about Section 6-6.3 of the Ordinance regarding Government Code 38773, and other applicable laws.

Mayor Mills stated currently, reasonable noise can be made in Villa Park anytime between 7:00 a.m. through 10:00 p.m., Monday through Saturday. He commented the proposed change to 8:00 p.m. is too early. Mayor Mills asked about the confiscation of equipment. City Manager Hildenbrand replied general quiet hours are after 10:00 p.m. and that 8:00 p.m. is an arbitrary number and can be changed. City Attorney Meagan Garibaldi spoke about the nuisance abatement law, which allows the City to impose the

cost of the issue on that person. City Manager Hildenbrand stated the sheriff would be given the ability to confiscate the equipment and the property owner will be liable.

Councilwoman Fascenelli would like to bring this item back at the next City Council meeting to allow more time for the council and residents to review the information.

City Attorney Meagan Garibaldi relayed any substantial revisions made to the ordinance would require re-reading the first reading.

A motion was made by Councilman Nelson to approve the first reading of Ordinance No. 2016-599, with the amendments to change the time from 8:00 p.m. to 10:00 p.m. and to change the timeframe for subsequence warnings from 365 days to 30 days. It was seconded by Councilman Collacott.

Mayor Mills asked if these changes would affect the Town Center. City Manager Hildenbrand replied the Town Center is included in the ordinance but that they are governed by their own performance standard. Currently, businesses in the Town Center cannot be over five decibels.

A motion was made by Mayor Pro Tem Barnett and seconded by Councilwoman Fascenelli to continue this item to the March 22nd City Council meeting.

AYES: Barnett and Fascenelli

NOES: Collacott, Nelson and Mills

ABSENT: None

ABSTAIN: None

A motion was made by Councilman Nelson and seconded by Councilman Collacott to approve the first reading of Ordinance No. 2016-599, with the amendments to change the time from 8:00 p.m. to 10:00 p.m. and to change the timeframe for subsequence warnings from 365 days to 30 days.

AYES: Collacott and Nelson

NOES: Barnett, Fascenelli and Mills

ABSENT: None

ABSTAIN: None

6. **Consideration of Ordinance No. 2016-600, adding article 5-15 – Social Host – to the Villa Park Municipal Code.**

City Manager Hildenbrand stated the ordinance was modeled after the County's from a few years ago. Mayor Mills asked how the County enforced it. City Manager Hildenbrand replied the adoption of this ordinance failed.

Mayor Mills inquired if there is a way to enhance police presence to handle a larger crowd. City Manager Hildenbrand replied Villa Park currently has only one deputy on duty and that they cannot pull County resources for long periods of time. He said there is money in the budget for overtime and if the City Council would like, they could allocate the additional funding for another deputy.

Councilwoman Fascenelli spoke about residents rights to privacy and the issue of minors drinking.

Mayor Pro Tem Barnett relayed the Sheriff's Department said they have the ability to implement this ordinance.

Councilwoman Fascenelli said there are laws currently in place that prohibit providing alcohol to minors. She stated this ordinance violates many rights of Villa Park's residents.

Mayor Pro Tem Barnett said this ordinance expands on the liability and applies to all residents of Villa Park. He stated if it turns out there is a violation of the ordinance, the homeowners can be sued for this. In addition, if there is a violation of the law and it triggers damages, there is a liability against the homeowner. He spoke in opposition of the ordinance saying there is current laws in place that address underage drinking. Mayor Pro Tem Barnett said this ordinance would create potential problems for homeowners.

Councilman Collacott asked about Lieutenant Gunzel thoughts about this ordinance. Lieutenant Gunzel replied he had not read the ordinance and will do so. City Manager Hildenbrand stated the ordinance would be another tool for law enforcement.

Councilwoman Fascenelli spoke about an incident where several hundred students were attending a party. She said if there were underage drinking, the Sheriff would have done something about it.

Mayor Pro Tem Barnett stated if there is a violation of statutes, a consequence of that action could be an accident, which would result in the homeowner being held liable. This is because the violation of the statute may lead to the damages. He said there is also an issue with culpability.

Councilwoman Fascenelli stated the ordinances are putting more government on residents.

Councilman Collacott spoke about the need of additional deputy support for the Sheriff's Department and that the ordinance could be used as a tool for them. Lieutenant Gunzel relayed there are laws on the books they can enforce on contributing to the delinquency of a minor and providing alcohol to a minor, both of which are illegal.

Mayor Mills opened public comment.

Cari Calvy, Villa Park resident, stated she has tried addressing the underage drinking issue with the Sheriff but was told her to call child protective services and that they could not do anything about it.

Tammy Kincaid, Villa Park resident, spoke about the lack of enforcement being provided by the Sheriff. She said there is evidence of drinking when the Sheriff visits this home because of the loud parties. Ms. ____ stated the Sheriff told her there was nothing they could do.

Ellen Kincaid, Villa Park resident, spoke about the lack of concern the students at the house on Wellington has for the city and the disturbance they have made for many residents. She said there has been underage drinking and expressed concern for the safety of the girls who attend the parties. She stated LEAC is a positive addition to Villa Park and has been nothing but helpful to her.

Jenner Chapman, student and renter at the Wellington Circle home, said he agrees with everything that has been said. He hopes to remedy the issue of being disrespectful to his neighbors. Mr. Chapman relayed they have two more months on the lease and will move out once it is up. He apologized and said they will not be hosting any more parties.

Councilwoman Fascenelli replied the City Council has made it clear that this has been a disturbance it should end. Mr. Chapman stated he has been facing legal issues because of this problem.

Mayor Mills said they could have diffused this issue by being respectful. Mr. Chapman replied they tried to be respectful.

Mayor Pro Tem Barnett stated a fraternity house does not belong in a residential community. He suggested Mr. Chapman give his name and phone number to the City Manager to keep in touch if there is an issue. Mr. Chapman replied there would be no more disturbances at their home for the next two months. He said all his roommates have agreed as well.

Mr. Chapman apologized that legislation has been brought forward that could affect the residents of Villa Park. He feels a lot of the information shared tonight is false. Mr.

Chapman stated he is not currently a student at Chapman University and is not in the fraternity.

Jim Sanchez, Villa Park resident, stated Mr. Chapman said the same comments to him and that it was not remedied.

Ellen Kincaid relayed there are court documents that confirm that Mr. Chapman said he would stop disturbing residents. She said this court case was in December and that there have been parties after.

Ryder Hartman, student and renter at the Wellington Circle house, apologized for the nuisance on the residents. He stated they would not be creating any disturbances for the remainder of their rental agreement.

Mayor Pro Tem Barnett stated the important thing is that it does not happen again.

Councilman Nelson said he does not believe the students since they have made similar promises to residents, which have not been remedied. He commented that they have been a terror to the community for six months.

Mayor Mills closed public comments.

A motion was made by Councilman Nelson and seconded by Councilman Mills to approve the ordinance.

A substitute motion was made by Mayor Pro Tem Barnett, seconded by Councilwoman Fascenelli, and approved by the follow roll call vote to table the discussion of this item.

AYES: Barnett, Collacott and Fascenelli

NOES: Nelson and Mills

ABSENT: None

ABSTAIN: None

7. **Consideration of Ordinance No. 2016-601, to rescind and repeal Article 23-12 – Required Street Dedications and Improvements – of the Villa Park Municipal Code.**

City Manager Hildenbrand stated this item was brought up at the Mesa Drive, Loma Street and Valley Drive public workshop held on January 23, 2016. Residents had expressed opposition due to the hindering of renovating their homes, due to paying a

cash bond or having to install the improvements themselves. The City Council had directed staff to prepare an ordinance to remove this provision from the municipal code.

Councilman Collacott asked if it is required they post a bond under the current ordinance. City Manager Hildenbrand replied the easement should already exist and that all right-of-way is already obtained.

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

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote to, approve the first reading of Ordinance No. 2016-601, and set March 22, 2016, as a second reading and adoption.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT CALENDAR (ITEMS #8-14)

Councilwoman Fascenelli pulled Item 8, Warrants and disbursements from January 15, 2016 through February 11, 2016; and Item 11, Request approval of City Council Minutes of January 26, 2016.

A motion was made by Mayor Pro Tem Barnett, seconded by Mayor Mills, and approved by the following roll call vote, to approve Consent Calendar Items 9, 10, 12-14

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

9. Financial Treasurer's report for the month of January, 2016.

Action: Received and filed.

10. Monthly Financial and Capital Project Status reports.

Action: Received and filed.

12. Mid-Year Budget Review and Budget Adjustments.

Action: Authorized the Finance Director to amend the budget based on the amounts summarized in Exhibit 1.

13. Revised effective date to an amendment of the Waste Disposal Agreement.

Action: Adopted Resolution No. 2016-3352, approving a Revised Effective Date to the WDA Amendment between the County of Orange and City of Villa Park to allow for the continued importation of waste at the County's three landfills and to extend the terms of the WDA through June 30, 2025.

14. Beverage Container Recycling City/County Payment Program – New Requirement for Fiscal Year 2015-2016.

Action: Adopted Resolution No. 2016-3353.

PULLED ITEMS

8. Warrants and disbursements from January 15, 2016 through February 11, 2016.

Councilwoman Fascenelli inquired about a payment of \$11,000 made to A1 Fence Company. She asked if the City received its money back from the insurance company. City Manager Hildenbrand replied anytime there is an accident, the city will repair it, followed by billing the insurance company. In addition, the Sheriff will submit a report. Councilwoman Fascenelli asked how much the insurance company currently owes the city. City Manager Hildenbrand replied it is just this amount. Finance Director Michelle Danaher stated she just received a payment from AAA, which was for the smaller portion of the fence. There is another accident on Bishop at the wall. She said R&B Concrete is currently working on this and that Maintenance Supervisor Mike Knowles is keeping track of his time spent on this project. Ms. Danaher stated an invoice is created to keep track. Councilman Collacott asked if staff time is also reimbursed. Finance Director Michelle Danaher replied yes.

Councilwoman Fascenelli inquired about a payment to Lilly Planning for \$2,800 and asked if it is the proper amount. Finance Director Michelle Danaher replied yes, this was the correct amount.

Councilwoman Fascenelli thanked the city for reimbursing Villa Park resident Ms. Newland \$2,000 for an outstanding bond payment.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Mills, and approved by the following roll call vote to, approve warrants and disbursements in the amount of \$568,952.67.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

11. Request approval of the City Council Minutes of January 26, 2016.

Councilwoman Fascenelli stated a letter was received regarding the Senior Mobility Program, with discussion on it, and it was not mentioned in the minutes. She requested the minutes return to the transcriber to include more dialogue.

A motion was made by Mayor Pro Tem Barnett, seconded by Mayor Mills, and approved by the following roll call vote, to bring this item back to the March 22, 2016 City Council meeting with the corrections requested.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

MAYOR AND COUNCILMEMBER MATTERS

15. Master Plan of Recreational Trails Update.

City Manager Hildenbrand relayed this item was brought forward from the January 23rd public workshop. He said residents expressed there is not a desire for trails in the residential areas of Villa Park. City Manager Hildenbrand stated there would be meetings available for the public to attend guided by the city's Community Development and Public Safety Committee on the first Monday's of every month at 5:00 p.m. Mayor

Mills said there has been discussion to move these meetings to take place at City Hall. City Manager Hildenbrand replied yes, the meetings have been moved to take place at City Hall.

The City Council received and filed this item with a unanimous vote.

16. Councilmember Requested Matter (Barnett): Discretionary Expenditure Policy.

Mayor Pro Tem Barnett spoke about this item as it relates to the budget process and asked when the surveys should be distributed during the budget study session. He thought by sending them out before, it would provide some direction for the City Council.

Councilwoman Fascenelli spoke about community involvement and how much they should have in these decisions. She stated the City Council was elected by the residents to make the hard decisions and to not go back to the residents for input.

Mayor Pro Tem Barnett said they would be gathering input from residents on significant items. He stated the summary needs to have a concise summary and should be done by email, with an outline describing the project in detail. Mayor Pro Tem Barnett commented this would provide the city council with more insight into what the residents are thinking.

Councilwoman Fascenelli said there are some benefits to slowing down discussion on some items, which will allow residents the opportunity to review the projects.

Mayor Pro Tem Barnett stated this would not apply to infrastructure but to discretionary items of \$100,000 in a year or more.

Councilman Collacott commented they should be seeking greater community involvement. In addition, issues should be addressed through the budget process.

Councilman Nelson suggested staff come back with a plan on how to conduct this through the budget process.

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

Councilwoman Fascenelli stated she does not agree with sending out a survey.

Mayor Pro Tem Barnett replied people in the community are busy and this would give them the opportunity to have a synopsis of what is going on in the city. He believes the majority will not respond to the survey.

Mayor Mills expressed concern that not everyone has Internet access.

Councilman Nelson suggested having staff come back with a suggestion.

Mayor Pro Tem Barnett would like to provide transparency and community involvement without a lot of expense or time. This would be cost effective for the city. Councilwoman Fascenelli replied not every resident of Villa Park has provided an email address. Finance Director Michelle Danaher stated in the past, the City Council would give some direction on several project to pursue in the coming fiscal year budget. Currently, she is not aware of any large projects the city council would like to pursue.

Mayor Pro Tem Barnett stated he would like to establish a procedure to give the public a view into what projects are happening in the city. Finance Director Michelle Danaher replied the majority of the city council would like this to be a part of the budget process, but that Mayor Pro Tem Barnett wants to create a procedure.

A motion was made by Mayor Pro Tem Barnett and seconded by Councilman Nelson to request staff come back with additional information and a recommendation.

A substitute motion was made by Mayor Mills, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote to, table discussion of this item.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

17. [Councilmember Requested Matter \(Barnett\): Making the Villa Park Marine Thanksgiving a City event.](#)

Mayor Pro Tem Barnett relayed there was discussion from the Villa Park Foundation regarding donating to this event. He said conversation was made to come back for a three-year test run funding \$3,500 each year. He has not received a response from the Rotary Club if they will be making a donation. Mayor Pro Tem Barnett asked that the city fund up to \$5,000 for a three-year test period. Councilwoman Fascenelli asked if he received a commitment from the Foundation. Mayor Pro Tem Barnett replied the Foundation voted and approved the funding of \$3,500 over a three-year period, not the \$5,000 that he requested.

Councilwoman Fascenelli relayed she found an interested party who could help with running the event but cancelled her request after talking with Mayor Pro Tem Barnett.

Mayor Pro Tem Barnett stated he is planning on going to the Rotary Club for donations.

Councilwoman Fascenelli asked if Mayor Pro Tem Barnett does not find someone to take care of the administrative duties of this event, will he then take care of it? Mayor Pro Tem Barnett replied yes he would.

Mayor Mills opened public comment.

City Manager Hildenbrand read a letter from Donna Buxton who could not stay for this item. She stated the event is amazing but that the City should not fund this event. She suggested the money be invested in funding necessary infrastructure items such as Dodson Way.

Mayor Mills closed public comment.

Councilman Nelson asked if the city is still being asked to take on the administrative duties of this event. Mayor Pro Tem Barnett replied he withdrew his request for administrative help from the city.

Councilman Nelson stated it is difficult for the city to give money to one specific non-profit. He said the foundation should be able to fund this event.

Councilwoman Fascenelli relayed she spoke with several foundation members and said this event it is not something they want to take on.

City Manager Hildenbrand stated the city has provided some staff and administrative time for other foundation events. Currently, they split the cost of Maintenance Supervisor Mike Knowles time during these events.

Mayor Pro Tem Barnett said this is clearly a city event and that it is advertised as one.

Councilman Collacott spoke in support of the event but expressed concern that by funding it, other non-profit groups will be coming to the city for funding as well. He said the city should provide fire and police services as well as infrastructure to its residents.

Mayor Pro Tem Barnett this is a way to institutionalize and preserve this event.

Councilman Collacott gave an outline of potential earnings of interest from the money if the city invested it, instead of donating it to this event. He spoke in opposition of this item but spoke highly of the event.

Councilwoman Fascenelli spoke about the importance of not only safety but also city activities. She said the city should be providing green space and activities for its residents. Councilwoman Fascenelli stated this is an established event and spoke in support of making it into a city event.

Mayor Pro Tem Barnett stated he is not looking for a charity gift, but to have this be a city event.

Councilman Collacott said if the city had been doing a good job of maintaining its streets, sewers and storm drains, then there could be discussion about it. He received an email from a resident expressing concerns about the condition of her street. Councilman Collacott stated he went by the street and said it is in terrible condition. He said there is a special sewer surcharge because the city has not been maintaining the sewers correctly. Councilman Collacott would like to address all of these issues before funding other events.

Mayor Pro Tem Mills replied he visited the street Councilman Collacott and said he did not see an issue with it. City Manager Hildenbrand stated a homeowner who sent the email is having issues with the street. He does not know if this street is scheduled to be addressed this fiscal year.

Mayor Mills talked about the issue a Villa Park resident had with the sewer back-up in her home and that it had been looked at last year. He spoke in support of the event saying it is a good idea to participate in it.

Councilwoman Fascenelli said she was disappointed the Foundation did not donate more money. She stated the Foundation is part of the city and should not keep its money in the bank. Councilwoman Fascenelli relayed the money is there for these types of uses. She suggested Mayor Pro Tem Barnett approach them and ask for the additional funds.

Councilman Nelson said the event should be ran and funded by the Foundation.

Councilwoman Fascenelli asked if the majority of the City Council wants the foundation to take over the event, then they should be directed to do so.

Councilman Collacott agreed the Community Services Foundation should take on this event.

Councilwoman Fascenelli stated the City Council directs the Foundation. Councilman Collacott replied the City Council are members of the Foundation and direct the Board of Directors to it. He said this is a much better way to do business other then using city funds. Councilwoman Fascenelli said this suggestion might not be taken well by the Foundation board.

Councilman Nelson agrees that this event should go through the Foundation. He does not want to direct the foundation on what to do, but to request and encourage the Foundation to take on this event.

Councilwoman Fascenelli stated Mayor Mills and Mayor Pro Tem Barnett are the City Council representatives on the foundation.

Mayor Mills and Mayor Pro Tem Barnett agreed to attend the next foundation meeting and make a grant request for funding this event.

Mayor Pro Tem Barnett said he would also request funding from the Rotary Club.

18. Councilmember Requested Matter (Mills): Consideration of Street Banners.

Mayor Mills would like to look into street banners to help advertise events in Villa Park. He would like to incorporate the city seal and the hummingbird. He suggested having around eight banners throughout the city and that they could be changed once a month or every other month.

Mayor Pro Tem Barnett spoke in support.

Councilwoman Fascenelli is in support and suggested having them installed along Villa Park Road.

Councilman Collacott suggested asking the Foundation to fund the banners since they put many of these events on. Councilman Nelson suggested bringing this item to the Foundation as an advertising opportunity.

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

Mayor Pro Tem Barnett announced labor negotiations are still taking place with the fire authority. He spoke about the changes that were made to their budget in the past and has taken a firm position on behalf of Villa Park City Council that there should not be any increases.

Councilman Nelson attended the Orange County Fire Authority Bravest and Best Awards dinner. He also attended the City of Anaheim's State of the City.

Councilwoman Fascenelli attended the Best and Bravest Awards dinner. She relayed Republic Services were at the local high school last Saturday giving out free compost to residents. She announced the OCTA would be hosting the ACCESS seminar on March 1st, 4:00 p.m. to 5:00 p.m. at City Hall. Councilwoman Fascenelli relayed on March 14, at 6:30 p.m., there will be an FBI program called the InfraGard Program, to help train residents how to spot a terrorist and become more active in the community. She thanked Hillary Thomas who hosted a successful Red Cross Blood Drive at city hall.

Mayor Mills attended the Orange Community Foundation Event honoring Vicki Murphy.

Mayor Mills asked Lieutenant Gunzel if additional funding could help the Sheriff's Department with overtime and additional assistance. Lieutenant Gunzel replied it would need to be determined when the parties are before additional deputies could be assigned. Mayor Mills complimented how Lieutenant Gunzel handled the public comments tonight. Lieutenant Gunzel stated he is in constant communication with the City Manager. He said both students who spoke tonight have been cited in the past.

ADJOURNMENT

The City Council adjourned at 11:38 p.m. The next regular meeting will be held on Tuesday, March 22, 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.

