

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

**April 26, 2016  
Regular Meeting**

**CLOSED SESSION**  
6:00 p.m. – City Council Chambers

**ROLL CALL** - Mayor Mills called the Closed Session to order at 6:00 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Fascenelli, Nelson and Mills

ABSENT: None

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.**  
Significant exposure to litigation pursuant 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. (One potential case)

**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 6:32 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Fascenelli, Nelson and Mills

ABSENT: None

**PLEDGE OF ALLEGIANCE TO THE FLAG** – Community Member Wayne Silzel

**PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS**

- Orange County Sheriff's Department
- Orange County Fire Authority
- Orange County Mosquito & Vector Control District

- Orange County Sanitation District
- Community Development & Public Safety
- School District Update
- Law Enforcement Advisory
- Investment Advisory
- Friends of the Villa Park Library

## **ORAL COMMUNICATIONS**

Mayor Mills opened public comments.

Doug Davert, President of East Orange County Water District, thanked the City Council for their support of acquiring Orange County Sanitation District Sewer Area 7. The resolution along with Mayor Mills' attendance and testifying of support of local control at the LAFCO meeting helped with this endeavor. He is looking forward to continue working with the City of Villa Park and staff. They have an excellent working relationship with Serrano Water District and hope to continue with it. At the last LAFCO meeting the vote was six to one, with Irvine Ranch voting in support. Mr. Davert has served on the Sanitation District Board for seven years and has been waiting for this to be approved since.

Councilman Nelson commented on the staff reported, which did not read in favor of acquiring this area. Mr. Davert agreed with Councilman Nelson. He spoke about LAFCO drawing a zero sphere around Villa Park several years ago. The community in sewer area seven had come together and spoke about the importance of local control.

David Woolley, a professional land surveyor in Tustin, expressed concern with responses to public records request within Villa Park. He spoke about the California Public Records Act, which requires a response within 10-days of the request. A 14-day extension could be applied depending on complications that may occur when gathering the requested documents. The nature of his request was City contracts in relation to Public Works contracts that would potentially require prevailing wage.

The original signed request was submitted on February 1<sup>st</sup>. The 10-day timeframe passed with no response. Attorney Lisa Herzog then contacted the City Manager's office several times and received a response nearly 60 days later, on March 31<sup>st</sup>. City Manager Hildenbrand had acknowledge he received the messages but said he was too busy to return the calls. Mr. Woolley's concern is regarding the compliance of the California Public Records Act and the request for certified payroll from contractors performing public work jobs within the city. He said often cities do not require this information from contractors. Upon request, the City should receive these payroll requests within the 10-days of the initial request. Mr. Woolley did not receive the records he requested from the City Manager until after a call was made to Rutan and Tucker and a message was left with the City Attorney. This poses as a liability to the City. If public works projects are being done and there is no certified payroll when it

should be required, the City could lose its State funds regardless if it is a Charter City or not. There is a law in a California Supreme Court case and the City of Vista, which allows the State to revoke City funds. He asked that staff comply with the public records request in compliance of the 10-day response time and to make sure the City is receiving certified public records on public works projects. If there is a firm that is not paying prevailing wages when its required, honest businesses are being driven out of Villa Park.

Councilman Nelson clarified if Mr. Woolley was asking for certified payroll records. Mr. Woolley replied yes.

Mayor Mills inquired as to why Mr. Woolley was asking for those records. Mr. Woolley replied he wanted to see if the City of Villa Park is watching their public works contracts and making sure prevailing wages are being paid. He ended up going directly to the contractor and obtaining the certified payroll records. Mayor Mills stated the City of Villa Park is a general law city and already pays prevailing wage. Mr. Woolley said he pays his employees prevailing wage and finds it hard at times to compete with businesses that do not. He has done research in four different counties, with 130-150 cities, and found that most of the cities do not monitor it and compliance is very slim. He said this is coming from the Department of Industrial Relations.

Councilman Nelson asked if there is a new law that says you can only deal with contractors that have been certified as paying prevailing wages. Mr. Woolley replied Senate Bill 854 requires businesses register to the State and submit their certified payroll records. The implementation of this Senate Bill has been delayed until later this July.

City Attorney Todd Litfin stated City staff has responded to Mr. Woolley's request. There were no certified payroll records in this case to produce. He said the City is very aware of prevailing wage requirements and that it does comply with them. Mayor Mills asked if all city contractors are required to pay those? City Attorney Todd Litfin replied they do if they fall within the definition of public works, under Labor Code Section 1720.

City Attorney Todd Litfin announced there was no reportable action from closed session.

## **PUBLIC HEARINGS**

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

A motion was made by Councilman Nelson, seconded by Councilman Collacott, 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

**CONSENT CALENDAR (ITEMS #3-10)**

Councilwoman Fascenelli asked to remove Item 3. Warrants and disbursements from March 10, 2016 through April 11, 2016; Item 5. Monthly Cash and Investment Transparency; and Item 9. Support of AB 2772 (Chang) Alcohol and Other Drug Treatment Facilities.

Mayor Pro Tem Barnett asked to remove Item 7. OCTA Senior Mobility Program Agency Service Plan.

A motion was made by Councilman Nelson, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote, to approve Consent Calendar Items 4, 6, 8 & 10.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

Councilman Barnett requested to comment on Item 4. Monthly Financial and Capital Project Status reports.

**4. Monthly Financial and Capital Project Status reports.**

Mayor Pro Tem Barnett commented on the \$430,000 surplus created between the estimated funds that the City was going to receive and the expenditures. Finance Manager Michelle Danaher corrected the total was \$347,000 and that the amount depended on the timing of projects.

Action: Received and filed.

**6. Request approval of City Council Minutes of March 22, 2016.**

Action: Approved

**8. Designation of Voting Delegate for the Southern California Association of Governments (SCAG) 2016 Regional Conference and General Assembly.**

Action: Designate Councilwoman Diana Fascenelli as the delegate for the 2016 Annual SCAG Regional Conference & General Assembly

**10. Pavement Management Plan Update Contract Award.**

Action: Approved and authorized the Mayor to execute an agreement with CivilSource, Inc. in the amount of \$40,169 for the Pavement Management Plan Update.

**PULLED ITEMS**

**3. Warrants and disbursement from March 10, 2016 through April 11, 2016.**

Councilwoman Fascenelli commented on check no. 21405, for the Parker/Larsen gate repair. She is aware that the city conducts the repairs and that the residents in this community are billed at the end of the year. She asked why the city controls the repair of the gate and the vendor payment.

City Attorney Todd Litfin replied that several years ago, the residents of that circle wanted a gated community due increased traffic entering from Cannon Road and parking in their neighborhood. The city put together a creative way to turn a public street into a gated community. The general rule of law is you cannot gate a public street. The gate does not have a key and will open automatically when a car approaches. The only rational to make those residents responsible for those costs was to create an agreement with specific conditions on each property that stated they would pay their fair share. In order to ensure this would be successful, the city handles the operational aspects. This is the way the agreement was constructed.

Councilwoman Fascenelli asked if the property along the street where the trees were removed is the city's property. City Manager Hildenbrand replied yes, it belongs to the city.

Mayor Pro Tem Barnett inquired about a \$5,600 bill for plumbing repairs done at the city. City Manager Hildenbrand replied this amount was for miscellaneous backlogged repairs done at City Hall. The repairs included a clogged shower at the public works building, replacing several water heaters at City Hall and the Public Works building, replacing hose spigots and fixing leaking plumbing around City Hall.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote, to approve warrants and disbursements in the amount of \$734,532.15.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

5. **Monthly Cash and Investment Transparency.**

Councilwoman Fascenelli thanked Finance Manager Michelle Danaher for adding this item to the agenda. This allows for more transparency when looking at what bank accounts and funds the city has. She commented on a request that she made several months ago for the last three years of bank statements. Councilwoman Fascenelli spent several hours reviewing the statements and looked at the payroll records and matched them up to the agendas. Ms. Danaher provided Councilwoman Fascenelli the original bank statements and offered her computer for viewing as well. Councilwoman Fascenelli would like the public to know that she was given the information she requested. In the past, she has requested information from various entities including the Community Services Foundation. Councilwoman Fascenelli has received pushback from the Council and Foundation members. She has recently put in a request through the public records act and received the documents. Councilwoman Fascenelli spoke about the importance of continued transparency. She urged the other City Council members to ask questions and request to see documents. There are times when the City Council may take the numbers presented to them for granted and it would be good to randomly ask questions so there are no surprises if any errors appear.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Mills, and approved by the following roll call vote, to receive and file the report.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

7. **OCTA Senior Mobility Program Agency Service Plan.**

Mayor Pro Tem Barnett asked for clarification if the cap was budgeted at \$10,744. City Manager Hildenbrand replied yes.

A motion was made by Mayor Pro Tem Barnett, seconded by Mayor Mills, and approved by the following roll call vote, to approve and adopt the OCTA Senior Mobility

Program Agency Service Plan to continue receiving grant funding for the SMP upon renewal of the agreement.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

**9. Support of AB 2772 (Chang) Alcohol and Other Drug Treatment Facilities.**

Councilwoman Fascenelli inquired why the City Council is involved or supporting this item. She asked why is the city telling a judge that they cannot send a person to a non-compliant facility? If they are not compliant, they do not have a license. She said the facilities are State run.

Mayor Pro Tem Barnett commented the law reads that the person can only be sent to a licensed facility, which implies that they could otherwise be sent to a non-licensed facility. He asked if this increases all of the city costs by essentially restricting the assignments to more costly facilities?

City Attorney Todd Litfin replied there is a complex hierarchy with the State regulatory field of different types of treatment facilities. The vast majority of the categories are regulated by the State. One type of facility that is not regulated by the State are called sober living facilities. These are on the lower end of the spectrum and are for recovering alcoholics or people who have drug problems that live there for a small amount of time. There is no State regulation yet that covers them. They have proliferated through a number of cities throughout California and Orange County. The City of Newport Beach and the City of Costa Mesa, have just settled a lawsuit with their biggest care provider. This would force judges that are now required by other law to divert drug offenders, not to prison, but to send them to licensed treatment facilities. Some participants of this program have been seen as a nuisance in many residential neighborhoods. The cliental from other facilities would then be placed into licensed facilities to limit the impact on residential neighborhoods in communities.

City Attorney Todd Litfin stated from what he understood, this is the goal of the legislation. He said it would limit judicial discretion as to the diversion of alcohol/drug defenders other then sober living facilities. They have to go to licensed facilities. The thought behind this is that it would reduce the number of sober living facilities.

Mayor Pro Barnett asked if there is any objective basis for determining weather the unlicensed sober living facilities are causing more problems in the cities then the others? City Attorney Todd Litfin replied yes. The licensed facilities have a fairly strict

regiment of requirements they have to comply with where sober living facilities do not. A license can be revoked from a licensed facility if certain requirements are not met. Where as a non-licensed facility would be treated as a residential home.

Mayor Pro Tem Barnett asked if the unlicensed sober living facility has exemptions and if the City would have to give them latitude. City Attorney Todd Litfin replied the exemptions are under State and Federal law. It is a Fair Housing Act and Americans with Disability's Act issue if we do not treat them like residential facilities. He spoke about the large case out of the City of Newport Beach that went to the 9<sup>th</sup> Circuit Court. The Court said the City of Newport Beach had been discriminated against the disabled. The disabled being alcoholics and drug users.

City Attorney Todd Litfin said irrespective of the licensing, it is a State and Federal discriminatory action problem. Since the city does not have any State regulations to fall back on, you are often left helpless on how to deal with these. Sober living homes often cause havoc in residential neighborhoods and this is just one small piece of an overall effort to try to get some regulatory control.

Mayor Mills opened public comments.

Wayne Silzel, Villa Park resident, spoke in support of this item. He talked about a rental property that is located across the street from him and a large commercial vehicle that is parked there every night. He has asked them to move their vehicle, but they have not responded to his request. Mr. Silzel said this is where the government can help residents with regulation.

Mayor Mills closed public comments.

A motion was made by Mayor Pro Tem Barnett, seconded by Councilman Collacott, and approved by the following roll call vote, to direct the City Manager to send a letter of support for AB 2772.

AYES: Barnett, Collacott, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

## **NEW BUSINESS**

11. [Approval of the Participation Agreement and Agreement for Provision of Animal Care Services Between The City of Villa Park and The County of Orange for a New Regional Animal Shelter.](#)

City Manager Hildenbrand gave the staff report. The agreement is the design built contract that the County will manage. The new animal shelter will be built at the former Tustin Marine Corps Air Station. The new shelter is projected to cost \$35 million. The approval for the participation agreement will place Villa Park in a 10-year service agreement with Orange County Animal Care for provision of animal care services to replace the existing agreement. The City's proportionate share (0.16%) of the shelter's construction costs is approximately \$46,853. The City may elect to pay over ten years at an interest rate of less than 1%. The annual cost would be paid in four quarterly payments concurrent with the payment for the various animal care services provided by the County.

Mayor Mills asked if the City would still owe for the yearly compensation that is currently being paid. City Manager Hildenbrand replied the City's portion for the new shelter is \$46,853 in addition to the yearly animal care services, which is around \$20,000 to \$30,000.

Mayor Mills inquired how many cities are on board with the agreement. City Manager Hildenbrand stated the following cities have approved the agreement: Anaheim, Santa Ana, Cypress, Lake Forest, San Juan Capistrano, Fountain Valley, Tustin and Yorba Linda. The City of Orange has yet to bring this agreement forward for approval.

Mayor Mills asked about the rate the city pays per year and how it is determined. City Manager Hildenbrand replied the city is charged by how often Villa Park residents use the service and how long animals retrieved from Villa Park remain in the shelter. The Council can establish a pet-licensing fee, which would lower the annual cost to the city.

Councilwoman Fascenelli asked if the pet-licensing fee would be for the City or County. City Manager Hildenbrand said the County charges the licensing fees on behalf of the City.

Councilwoman Fascenelli inquired if the city has control on how much is charged for the licenses. City Manager Hildenbrand said with the new agreement, the city can set its own licensing fees.

Councilwoman Fascenelli spoke in opposition for raising fees or taxes. She spoke about the increase of animal care service costs. If a call is made, then the city is charged. She suggested considering the city cannot absorb all the costs. The costs have increased over the last two years.

Mayor Mills commented there was an adjustment in the budgeting.

Councilman Nelson asked what the ongoing costs would be. City Manager Hildenbrand replied it would be approximately \$10,000 to \$20,000 per year. Councilman Nelson thought the amount would be documented in the report better. He thought the city was

paying \$25,000. City Manager Hildenbrand replied the city is paying around that amount and will continue to do so with the new facility. Councilman Nelson asked if there would be an increase in costs with the new facility. Finance Director Michelle Danaher replied she will be attending a County budget meeting next week and will be asking questions regarding this. She said the Villa Park's NOI was around \$12,000 last year but in January 2016, they received an increase of unbudgeted costs for \$10,000. Ms. Danaher spoke with Allen Young, who is her contact with the County and who will be holding the budget seminar.

Councilman Nelson asked why is a designated reserve needed. Ms. Danaher replied it would note the city has an obligation. In addition, it is a joint agreement with the County and is a government entity. It would be prudent and transparent to have one. Councilman Nelson commented the city has set up too many reserves. It is known that the fee needs to be paid every year. He does not see a need to set up a reserve account.

Mayor Pro Barnett agreed with Councilman Nelson in regards to the reserve account. He spoke about the need to proceed with the agreement since the city is not equipped to handle this service for the community.

Councilwoman Fascenelli spoke about the need for this facility.

Mayor Mills asked what the total costs would be. City Manager Hildenbrand replied the city would pay \$46,853 for the building and continue to pay for the annual services, which is currently \$25,000.

Mayor Mills opened public comments.

Thea Bullock, Orange County Resources and Katie Ingram, Assistant Director for Orange County Animal Care, introduced themselves and addressed questions from the City Council.

Ms. Bullock reiterated the agreement is a 10-year service agreement, which would allow the Villa Park to have the opportunity to customize services. As a customer, if the city wants to increase services, there will be an increased cost. If they want to control cost, there is a legal minimum to stay within, but there are also ways to lower the cost. The service level cost is not presented today because the number of service calls received and the length of stay at the shelter determine what is charged. Villa Park is seen as a model city. The city's licensing compliance rates are 95% for 2015, which is unheard of. If the city would like to lower its payments, a higher fee for residents could be adopted. The reason why this would keep the city's costs low is if animals are licensed and become stray, they could be returned to the owner instead of them being placed in the shelter. There are other optional services such as picking up dead animals. This could be taken care of by someone else such as public works if the City Council wishes. Ms. Bullock stated the workshop with city staff is another way gather input from the finance

staff on building the budget and understanding what the County can provide to address the city's needs

Councilwoman Fascenelli spoke about the retrieval of dead animals and said she spent the day at OC Animal Care reviewing this service. Residents call animal control to retrieve dead animals and Orange County Animal Care has been taking care of this. She said there are other animals that are retrieved other than just dogs and cats.

Councilman Collacott stated the operating cost should decline with the opening of the \$35 million state of the art animal control facility. He would expect that the County has implemented efficient products to run the facility. He asked why the cost to run the facility would go up? Ms. Bullock replied Villa Park has had an unusual experience with animal care costs because historically the license compliance rates were so high that the license revenue exceeded the cost of providing services, which resulted in a credit. The city has not been billed for their services for many years. Over time, costs have gone up such as fuel, employee salaries and benefits, pet food and pharmaceuticals. In the past, Villa Park did not pay or paid a very small amount because of the license compliance rate. The costs have now caught up with the revenue.

Mayor Mills asked if there are any rules and regulations regarding sheltering animals for longer periods of time. Ms. Ingram replied there is State required holding period, which is holding an animal for four days. The trend in animal care is that if there are open kennels, the goal is to place animals into homes versus not holding them at the shelter. The expectation from the community is to return them home or find a place for them to be adopted. An increase has been seen in the number of days that animals are being held. In Villa Park, there was a 33% increase in the number of animal care days.

Mayor Mills commented on the limit for the number of pets allowed in a home. He asked if that were relaxed, would they project there would be fewer animals held at the shelter? Ms. Bullock replied it could have an impact. She said the animal care industry encourages cities to raise the animal limit. This could promote more adoption and animals in the homes and out of the shelter.

Mayor Mills asked if the limit for three pets in Villa Park is a City or County regulation. Ms. Ingram replied the County has an ordinance that allows three dogs and three cats per home. Some cities have adopted different limit levels for animals and allow permits for an owner to have more animals and some permits for less.

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote to approve and authorize the City Manager to sign the Participation Agreement between the County of Orange and City of Villa Park, to fund the City's proportionate share of construction costs for the new regional animal shelter at the former Tustin Marine Corps Air Station, and approve and authorize the City Manager to sign the Agreement for Provision of Orange County Animal Control Care

Services between the County of Orange and City of Villa Park to provide animal care and shelter services for a term of ten (10) years.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

**12. Request Approval for Neighborhood Identification Sign at Town Center.**

City Manager Hildenbrand gave the staff report. He said part of the resolution is authorizing the property owners to be required to pay \$25,000 to the City for this sign. This amount would go towards offsetting the total cost of the sign. The remaining balance would be paid for as part of the city's Capital Improvement Project. The total projected cost is between \$33,000 and \$40,000.

Councilwoman Fascenelli asked if the City Manager has asked the owner for the \$25,000. She had spoken with them three weeks ago and was told they are prepared to pay for it. City Manager Hildenbrand replied he spoke with the property owner today. He would like to have the approval of the enduring licensing agreement, which is on the agenda tonight, to be completed first before retrieving the money. This is due to the sign being constructed on private property.

Mayor Mills asked if there is easement is involved. City Manager Hildenbrand replied yes.

Councilman Nelson relayed the Community Services Foundation has \$15,000 in their budget for signage. City Manager Hildenbrand said he has not submitted a grant to the foundation. Councilman Nelson said if the city obtains the \$15,000 from the foundation, the total amount to construct the sign would be covered and the city would not have to spend any money.

City Manager Hildenbrand presented several design options on a PowerPoint presentation for the City Council and public to view.

Mayor Mills opened public comments.

MJ Lucero, Villa Park Services Foundation, relayed there is a line item that has funds for a sign. She is not sure if the amount is \$10,000 or \$15,000. She recommended the City Council request \$15,000 and may be granted the total amount. Ms. Lucero spoke in support of Sign A, Option One, because it is complimentary to the other signs in Villa Park.

Wayne Silzel, Villa Park resident, suggested the sign options be placed on the city's website for the public to view. He spoke about his experience with shopping centers and said the International Council of Shopping Centers recommends keeping your shopping center open so when people drive by, they can see the stores. Mr. Silzel spoke about the importance of signage height and making sure it does not block the view into the shopping center.

Mayor Pro Tem Barnett stated he initiated the sign program years ago. It had been discussed that a display would be included in one of the signs. He spoke about the Ralph's signage where residents could post personal messages such as birthdays, anniversary's and graduations. Although Ralph's no longer has this sign available, at the time it did provide a personal touch, which is not common in cities. Including this type of signage would provide the opportunity to fill the gap. Mayor Pro Tem Barnett stated this was his primary motivation for this sign. He spoke about the concerns with the control of what is displayed on the sign and said a storeowner in the shopping center could administer it. Mayor Pro Tem Barnett stated the Community Development Committee voted to not have an electronic sign constructed. He had made five calls to active members of the community and sent an email out to them with the signage options. He received comments via email and postal mail. In addition, two of the residents were present at the meeting tonight but left early. Mayor Pro Tem Barnett spoke about the letter he received from Joe Cooley, who spoke in support of electronic signage. Mr. Cooley stated this signage could be a way for the foundation or the Friends of the Library to earn some money selling announcements. He spoke in opposition of political advertisement on the electronic sign.

Mayor Pro Tem Barnett read a letter from a Villa Park resident, who spoke in support of the electronic sign. He stated it would be a great way to advertise for events and different groups in the City.

Mayor Pro Tem Barnett also received a call from Villa Park Little League President who spoke strongly in favor of the electronic sign.

Mayor Pro Tem Barnett said if the Council desires, the community can decide on the signage. He would like to see the Council decide to pursue the electronic signage option or gather resident input.

Mayor Mills would like to keep the signage consistent with the others within the city. There could be problems in the long run in administering an electronic sign. Mayor Mills spoke about the different issues that may arise such as cost and maintenance. He said if Council would like to have an electronic sign, it could be installed at a different location.

Councilman Collacott spoke in support of Sign A, Option One. He said it is consistent with the other signs in the city. He said the community has tried to maintain a quiet, rural feel to it, which is the reason there are no streetlights or sidewalks. Councilman

Collacott stated this type of a sign is consistent with the other entry monuments in the city. He said an electronic sign display will cost a lot more money. It would be hard to explain to residents who have issues with their streets that the Council is spending money on this type of sign and not fixing their streets. He said there would be additional capital costs to install the sign as well as added maintenance costs.

Councilwoman Fascenelli said Sign A, option one, is much more representative of the community. She suggested the two open sides of this option include something indicative to the city such as an orange blossom or tree. She spoke in opposition of plaques with dedications included in the signage. Councilman Collacott agreed with Councilwoman Fascenelli's suggested additions to the sign.

Councilwoman Fascenelli stated she would research a location to have the resident announcements displayed. She likes the idea of personalization somewhere in the city and spoke about the city obtaining banners.

Mayor Pro Tem Barnett spoke in support Sign A, Option Two, saying it would provide a better view into the shopping center and would show the flora around the sign. He said if someone would like to sit on the ledge of the sign, it should not pose as a problem unless they are doing something illegal.

Councilman Nelson agreed with Mayor Pro Tem Barnett's comments. He would like to get public input as well.

Councilwoman Fascenelli replied the public has been involved already with the Community Development meeting that was held on this item.

Councilman Nelson does not want to make a decision on a sign that the community does not agree with. He said this sign is located at the forefront of the city and warrants community input.

Mayor Mills asked if there is a way for the public announcement signage to be brought back. City Manager Hildenbrand replied he would look into it.

MJ Lucero, Villa Park resident, asked if Sign A, Option Two has a bench for sitting or a planter. Councilman Collacott replied the planters would be planted in the front and back of the sign. Ms. Lucero suggested the city look at planting drought resistant plants.

Mr. Silzel relayed Villa Park resident Ed Carter spoke in support of the electronic sign. Mr. Silzel would like additional public input available. He spoke about the possible issue of graffiti and spoke in support of Sign A, Option Two.

Mayor Mills spoke in support of community outreach but that this item needs to progress. The Community Development Committee meeting was an open meeting for the public to attend and these options came from there. Mayor Mills stated the city does

not have the capabilities to keep the electronic sign running. The sign options without the electronic component are elegant and simple. In addition, there are special coatings available to make it harder to graffiti. Mayor Mills suggested waiting a month to gather public input then bring it back for Council decision.

Mayor Pro Tem Barnett said he would like to keep the city out of the administrative portion of the electronic sign. He believes business owners would be happy to assist with the signage. A rate schedule and fee could be developed.

Mayor Mills stated the Council should make a decision on this tonight.

Councilwoman Fascenelli said the city has been very successful and careful with the other signs that have been installed. This item has been talked about for almost four years. She said the community has given positive feedback for the current signs throughout the city.

Mayor Pro Tem Barnett volunteered to find a business owner in the shopping center to manage the administrative duties for the electronic sign. Councilwoman Fascenelli replied this is not the issue. She said the shopping center is finally aesthetically pleasing.

Councilman Collacott spoke about the entry monument on Katella and Wanda. He said the community did not have input for this sign.

Mayor Mills stated the electronic sign would get away from the original intent of the signs. Mayor Pro Tem Barnett replied no it does not. He said it was the original intent of the signs and that Brad Reese would concur. Mayor Pro Tem Barnett stated this was always discussed from day one.

Councilwoman Fascenelli agreed that the want for an electronic sign has been there from the beginning. She is open to the idea but would like to keep consistent with the other sign in the city. Councilwoman Fascenelli suggested working with Ralph's or the High School in regards to an electronic sign.

A motion was made by Mayor Pro Tem Barnett, and seconded by Councilman Nelson to table this item for a month and direct the City Manager to send out an email distribution to members of the community with the sign options and gather community input.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Mills, and approved by the following roll call vote, to accept rendering Sign A, Option 2; and authorize the City Manager to execute a standard form contract with Bravo Sign and Design, Inc. for the fabrication and installation of the new neighborhood identification sign at the Villa Park Town Center.

AYES: Collacott, Fascenelli, Nelson and Mills

NOES: Barnett

ABSENT: None

ABSTAIN: None

Mayor Mills appreciates the consistency of the signs and Mayor Pro Tem Barnett's initiative for this item. He said there is a need for a high quality sign but its location needs to be determined.

Mayor Pro Tem Barnett would like to see an electronic sign installed somewhere in the city. He said the city should not be responsible for the administrative duties for the sign but should be involved in creating policies for it.

Mayor Mills suggested looking at locations for an electronic sign and bring it back for discussion.

Councilman Nelson would like to make it clear that the city will not be paying for the approved signage. Councilwoman Fascenelli replied the city would still need the grant to be approved by the foundation first.

Mayor Pro Tem Barnett spoke in opposition of the foundation paying for the sign. He said the city has the money available for this project. Mayor Pro Tem Barnett said the foundation should be handling city events and programs. He asked why donated money for city programs should be spent on city infrastructure?

City Attorney Todd Litfin replied the Community Services Foundation bylaws include community beatification. He stated a motion is needed for the City Manager to apply for the grant.

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote, to direct the City Manager to apply for a \$15,000 grant for the neighborhood identification sign at Town Center.

AYES: Collacott, Nelson and Mills

NOES: Barnett and Fascenelli

ABSENT: None

ABSTAIN: None

Mayor Mills would like City Manager Hildenbrand to look into the old Ralphs sign and locations to install an electronic sign.

Mayor Pro Tem Barnett spoke in support of the foundation paying for the electronic sign because they can advertise foundation and city events.

City Attorney Todd Litfin stated the approval for the grant is up to the foundation.

13. **Consideration of a Professional Services Agreement with J.H. Douglas and Associates for Housing Element Update Services.**

City Manager Hildenbrand gave the staff report.

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 a Professional Services Agreement with J.H. Douglas and Associates in the amount of \$24,950 to prepare the 2013-2021 Housing Element Update, and authorize the City Manager to execute the agreement.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

14. **Resolution No. 2016-3356, a Resolution of the City Council of the City of Villa Park Declaring Conditions Present at 18011 Wellington Circle, Villa Park, California to Constitute a Public Nuisance.**

City Manager Hildenbrand gave the staff reported and a PowerPoint presentation. He said today the Council will declare its intent to conduct a public hearing. On May 24, 2016, a public hearing will be held to determine if the property is a public nuisance. April 27 through May 14, 2016, city staff will serve and post public notices. City Manager Hildenbrand stated this item brought forward tonight is just to adopt the resolution and that all the evidence and testimony will be considered at the May 24, 2016 City Council meeting. He relayed there was an error on the resolution, in the last Where As. The verbiage references an inoperable vehicle and will be removed.

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

A motion was made by Mayor Mills, seconded by Mayor Pro Tem Barnet, and approved by the following roll call vote to, approve and adopt Resolution No. 2016-3356 and set a public hearing to be held in conjunction with the City Council meeting on May 24, 2016.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

## **MAYOR AND COUNCILMEMBER MATTERS**

### **15. Councilmember Requested Matter (Fascenelli): Recording Committee Meetings.**

Councilwoman Fascenelli stated she spoke about this item several months ago. She spoke about the importance of transparency within government. Councilwoman Fascenelli expressed concern that Council members who do not serve on a specific committee are not aware of what occurs in meetings where records and minutes are not provided. She stated other cities have been recording their meetings. The foundation has been recording their meetings for years. She wanted to keep the process to record meetings as easy as possible and to have them posted on the website.

Councilwoman Fascenelli spoke about the importance of transparency and suggested having staff members or committee chairs responsible for recording the meetings. She talked about issues with committees discussing items that are not on the posted agenda. In addition, there have been very expensive items such as the widening of Mesa and Valley that have come from the Law Enforcement Advisory Committee. Councilwoman Fascenelli said there is a need to be more transparent for the community as well as the other Council members to have some background on items brought forward. This request includes Community Development Committee, Human Resource Committee, Budget and Investment Advisory Committees.

Mayor Mills asked if there are any technical issues that would prevent a recording to be done. City Manager Hildenbrand replied it is possible, but there would be a trial and error period with posting the recordings on the website. There would be size requirements and storage requirements. In addition, it would need to be determined how long to keep the data on the website and if it is stored on the city's server or somewhere else.

Mayor Mills asked if the City Manager could look into this. City Manager Hildenbrand replied yes.

Councilman Nelson spoke in support of having minutes available for the community to view. He suggested posting the minutes along with the agenda for each of the committees on the website. Councilman Nelson stated the Budget and Finance Committee and Investment Advisory Committee include minutes in their agenda packets. He does not receive minutes from the other committees.

Councilwoman Fascenelli stated LEAC does not prepare minutes.

City Manager Hildenbrand said he or staff would be responsible for the minutes. He stated Ms. Danaher prepares the minutes for the Budget and Finance Committee and Investment Advisory Committee.

Councilman Nelson stated written minutes should provide enough transparency.

Mayor Pro Barnett said the committee meetings are open to the public. He is not concerned with getting all the details discussed in the meetings.

Councilman Nelson stated all committees could prepare minutes for their meetings and post them on the website. He asked about the City Council meeting minutes. City Manager Hildenbrand replied he provides the video recording of the meeting to an outside contractor who prepares the minutes. Councilman Nelson stated the contractor could be given the recording of the meetings and prepare the minutes from the committee meetings.

Mayor Pro Tem Barnett asked if there could be a simple form for the committees that would include information such as meeting date, who is present and the items being discussed.

Councilwoman Fascenelli stated other cities provide audio and video records for their committee meetings. She spoke about the importance of details when large items are brought forward for City Council approval without any description on how this item came to fruition.

Mayor Mills replied the details come out of the large projects when brought forward to the City Council. He said all committees need to have some type of record of the meeting. He stated every committee should provide minutes from their meetings.

Councilwoman Fascenelli said the minutes need to be submitted to the City Manager and City Council as well as posted on the website.

A motion was made by Mayor Mills, seconded by Councilman Nelson, and approved by the following roll call vote, to require all committees to submit a written report of the minutes no later than the release of the agenda for the next meeting on the city website.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

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

Mayor Mills attended a LAFCO meeting and several meetings for the Sanitation District. He has also participated in some meetings with the City Manager. He announced the East Orange County Water District would be taking care of service area seven for the Orange County Sanitation District. He attended the Mayor's breakfast for the Orange County Fair and announced August 3<sup>rd</sup> is Villa Park Day at the fair. \$2 discount tickets are available at the counter. He said the City of Anaheim and City of Laguna Beach would join Villa Park at the fair that day. Mayor Mills suggested having local talent join in at the event. He attended the Metal of Valor event with several of the City Council members last week at the Sheriff's Department.

Mayor Pro Tem Barnett spoke about the fire authority negotiations saying that Villa Park has held tough to the concept of no raises or spending money until there is a handle on the current deficit.

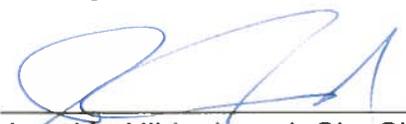
Councilman Collacott, Councilwoman Fascenelli and Councilman Nelson attended the Metal of Valor luncheon.

**ADJOURNMENT**

The City Council adjourned at 8:40 p.m. The next regular meeting will be held on Tuesday, May 24, 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.