

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

July 28, 2015
Regular Meeting

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

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

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Nelson, Mills and Fascenelli

ABSENT: None

1. **Conference With Real Property Negotiators Pursuant to Government Code Section 54956.8**

Property: 17871 Santiago Boulevard, Villa Park, CA 92861 (APN: 372-232-17)
Agency Negotiator: City Manager Hildenbrand and City Attorney Litfin
Negotiating Parties: City of Villa Park and Victor Gudzunus
Under Negotiation: Price and Terms of Payment

ADJOURNMENT – at 6:30 p.m

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

ROLL CALL - Mayor Fascenelli called the General Session to order at 6:40 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Nelson, Mills and Fascenelli

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – led by OUSD Board Member Kathy Moffat

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

City Attorney Todd Litfin stated there are no reportable actions from closed session.

- Orange County Fire Authority update
- Orange County Sheriff's Department update
- Law Enforcement Advisory Committee update
 - Professional Services Responder Program

ORAL COMMUNICATIONS

Mayor Fascenelli opened public comments.

Kathy Moffat, Villa Park resident and member of the school board, thanked the City Council, City Staff, community members and parents for focusing time, thought and attention on the issue of school traffic and parking. Ms. Moffat reported she spoke with Superintendent Christenson this afternoon and relayed the striping has been completed on Serrano. She spoke about the additional 38 parking spots that have been added behind the school. Ms. Moffat stated Superintendent Christensen is waiting to hear what the City Council decides on this matter.

Rich Ulmer, Villa Park resident, spoke about the street striping on Serrano Avenue and mentioned the eastbound traffic lane is too narrow.

Mayor Fascenelli closed public comments.

Mayor Fascenelli moved Item 14, Villa Park Community Services Foundation's recommendation to become independent from the City of Villa Park, up on the agenda.

NEW BUSINESS

14. [Villa Park Community Services Foundation's recommendation to become independent from the City of Villa Park.](#)

Doug Bender, Community Services Foundation President, said he appreciated the relationship the Foundation has had with the City of Villa Park.

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

Councilman Nelson spoke about the concerns that were raised in the letter that Foundation President Doug Bender wrote. These included: administration burden of complying with the Brown Act; the lack of need for the Foundation to receive City administration support as was require at the Foundation's formation; confusion over the respective roles of City Council members and Foundation Board members; and elimination of any legal risk to the City from its connection to the Foundation.

Mayor Pro Tem Mills commented on donations and becoming a member of the Foundation.

Councilman Barnett and Councilman Collacott thanked those who volunteered on the Foundation.

Mayor Fascenelli said the Foundation could serve the community better if they were not tied to the city. She suggested an audit be conducted as legal review of their contracts.

Councilman Nelson expressed his concerns regarding the Foundation not serving the needs of the Villa Park residents once they become independent. City Attorney Litfin replied the intent section of the resolution could remain the same. Foundation President Doug Bender said they have no intent to operate any differently.

Mayor Pro Tem Mills said the Brown Act is the biggest issue as well as the definition of member with the Foundation.

City Attorney Litfin stated funds the Foundation currently has, will need to be used for the purposes they were designated for.

Foundation President Doug Bender stated option 2 is the best decision for the Foundation.

City Attorney Litfin said the final documents would have to be drafted and brought back to the City Council for final approval.

Mayor Fascenelli re-opened public comments.

Rich Freschi, Villa Park resident and original founder of the Foundation, gave a brief history of the Foundation and spoke in favor of keeping the relationship intact.

Rich Ulmer, Villa Park resident, spoke about donating to the Foundation and becoming a member.

Mayor Fascenelli closed public comments.

City Attorney Litfin relayed Mayor Pro Tem Mills' wife currently serves on the Foundation board and legally can vote on this item since there is no money being transferred or made.

Mayor Pro Tem Mills recused himself from discussion on this item due to a potential conflict of interest.

The City Council recessed at 8:11 p.m. and resumed at 8:20 p.m.

A motion was made by Mayor Fascenelli to accept option 2 and to conduct an audit done by a CPA.

Mayor Fascenelli amended her motion to only accept option 2. It was seconded by Councilman Barnett.

A substitute motion was made by Councilman Collacott, and seconded by Councilman Nelson, to defer this item to another date after the City Council had time to meet with the Foundation to discuss the matter.

AYES: Collacott and Nelson

NOES: Barnett and Fascenelli

ABSENT: None

ABSTAIN: Mills

A motion as made by Mayor Fascenelli, and seconded by Councilman Barnett to accept option 2.

AYES: Barnett and Fascenelli

NOES: Collacott and Nelson

ABSENT: None

ABSTAIN: Mills

PUBLIC HEARINGS

2. [Review of "Parking by Permit Only" restrictions on Featherhill Drive, Mountain View Circle and Dodson Way.](#)

City Manager Hildenbrand gave the staff report. He stated emails were sent to his office from several members of the public.

Mayor Fascenelli opened public comments.

Carol Stevens, Villa Park resident, spoke in favor of permanent restricted parking. She commented on the issue of children and parents trespassing on her property.

Jack Stevens, Villa Park resident, said the traffic issues exist because of the school district. He asked that the council look at the needs of the residents.

Chris Simpson, Villa Park resident, spoke in opposition on the approval of this item. He urged the council to wait until October to make any changes if they are needed.

Laura Treiber, Villa Park resident, spoke in favor of permanent restricted parking. She said many streets in Villa Park already have restricted parking.

Leanna Cronin, Villa Park resident, spoke in opposition of restricted parking at the first five houses. She said OUSD is responsible for the traffic issues.

Mary Beth Felcyn, Villa Park resident, spoke in opposition of the proposed changes. She gave a slide presentation of streets in Villa Park that currently have parking restrictions.

Donna Buxton, Villa Park resident, said there are inconsistencies with the parking restrictions within the city. She asked that the City Council take a firm stand on this issue.

Mayor Fascenelli closed public comments.

Mayor Pro Tem Mills stated consistency is needed across the city.

Mayor Fascenelli said the council had originally put a time frame of up to six (6) months on this item. She commented there have been enough studies and thousands of dollars spent on staff and engineer time on this item.

Councilman Nelson made a motion to have permanent permitted parking 7:00 a.m. to 7:00 p.m. on the proposed streets. The motion was seconded by Councilman Collacott.

Councilman Barnett spoke about the meetings he had with Superintendent Christensen. He said safety was the biggest issue and that he is trying to be fair with the option he is presenting today.

Councilman Collacott gave the history of the residents petitioning to have the parking restrictions made. He said two-third of the residents signed the petition to have parking by permit from 7:00 a.m. to 7:00 p.m. Councilman Collacott stated the residents who signed the petition are well educated. He spoke about the safety and traffic concerns and in favor of a resolution to have parking by permit 7:00 a.m. to 7:00 p.m. Councilman Collacott asked that the other council members vote no on the proposed resolution, make the 7:00 a.m. to 7:00 p.m. parking by permit permanent, and insist that OUSD provide adequate and safe parking and drop off facilities to meet the needs of their commuters to their campuses.

Mayor Fascenelli spoke about an email she received from Villa Park resident Dr. Vu. She spoke with the City Attorney regarding recusing herself from this item since she had children who attend school and was told she did not need to.

Councilman Barnett responded to the comments made by Councilman Collacott.

A motion was made by Councilman Nelson, seconded by Councilman Collacott, and approved by the following roll call vote, to adopt Resolution No. 2015-3335 adding residential permit parking on Featherhill Drive and Dodson Way from 7:00 a.m. to 7:00 p.m.

AYES: Barnett, Collacott, Mills and Nelson

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

City Manager Hildenbrand stated parking permits would be made and distributed to each household affected. Mayor Fascenelli requested staff work with the Sheriff Department to ensure the permits are adequately visible.

3. **Ordinance No. 2015-593 of the City of Villa Park, California, amending the zoning map relating to certain e-4 properties for the purpose of clarifying their zoning designations.**

Planning Manager Ray Pascua gave the staff report. This is the 2nd and final phase of this project.

Mayor Fascenelli opened public comments.

Mr. Williamson, Villa Park resident, spoke about the list and inquired how these properties were selected.

Mayor Fascenelli closed public comments.

A motion was made by Councilman Nelson, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote, to hold a Public Hearing, introduce and approve the first reading of Ordinance No. 2015-593, and schedule a second reading and adoption at the August 25, 2015 City Council meeting.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

4. [Conditional Use Permit \(CUP\) 2015-02 Variance 0766 18202 Abbott Lane.](#)

City Planner Ray Pascua gave the staff report.

Mayor Fascenelli opened public comment.

Mayor Fascenelli recused herself due to a potential conflict of interest.

Jerry Rickmayer, applicant, spoke with his neighbor Mr. Singerman, regarding his proposed project. Mr. Singerman told the applicant that he would need to install a tree screen along the back wall to allow for additional privacy. The price to install the trees would be \$15,000. Mr. Rickmayer proposed to Mr. Singerman they would split the cost to install the trees. He asked that the City Council strike the first two requirements on exhibit A, since a curtain of trees already exists.

Councilman Nelson attended the CDC meeting where this item was brought forward and said Mr. Rickmayer's representative agreed to Mr. Singerman's requests.

City Manager Hildenbrand stated Mr. Singerman was notified of this item on the agenda. Mr. Singerman was not present this evening.

Councilman Barnett stated he would like to hear from Mr. Singerman before making a decision.

Mr. Rickmayer spoke about a letter Mr. Singerman wrote to the City Council and said he did not include the discussion they had regarding to share the cost of the tree installation.

Councilman Barnett spoke about Mr. Rickmayer looking into bonding the \$15,000 to install the trees.

City Attorney Litfin suggested removing Conditions 1 and 2 and to replace them with the following Condition with something along the lines of "the City will retain jurisdiction to require landscaping along the rear back wall of the property at a future public hearing."

A motion was made by Councilman Barnett, seconded by Councilman Nelson, and approved by the following roll call vote, to approve Conditional Use Permit No. 2015-02 and Variance No. 0766, subject to the conditions of approval contained in Resolution No. 2015-3334 and to amend the Resolution as discussed.

AYES: Barnett, Collacott, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: Fascenelli

The City Council recessed at 10:26 p.m. and resumed at 10:32 p.m.

5. [Hearing to consider appeal of the City Manager's decision to approve a side yard setback adjustment to a home located at 19191 Valley Drive.](#)

City Manager Hildenbrand gave the staff report.

Mayor Fascenelli opened public comments.

Laura Rossini, Villa Park resident, asked the City Council to deny the appeal and affirm the adjustment. She said the project would benefit the neighborhood by increasing property values. Vince Rossini stated the project would just include the screening and not extending the wall.

A motion was made by Mayor Pro Tem Mills, seconded by Mayor Fascenelli, and approved by the following roll call vote, to adopt Resolution No. 2015-3337, denying the appeal of Dr. Brower, thereby approving an adjustment to the side yard setback at 19191 Valley Drive.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT CALENDAR (ITEMS #6-13)

Councilman Nelson pulled Item 11, Appointment of the City Treasurer.

Councilman Barnett pulled Item 9, Monthly Financial and Capital Project Status reports and Item 13, Review of and Response to 2014-15 Orange County Grand Jury Report, *"The Orange County Animal Shelter: the Facility, the Function, the Future."*

A motion was made by Mayor Pro Tem Mills, seconded by Councilman Nelson, and approved by the following roll call vote to approve Consent Calendar Items 6-8, 10 & 12.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

6. **Warrants and disbursements from June 11, 2015 through July 12, 2015.**

Action: Approved warrants and disbursements in the amount of \$547,860.91.

7. **Financial Treasurer's Report for the month of June, 2015.**

Action: Received and filed.

8. **Request approval of City Council Minutes of June 23, 2015.**

Action: Approved.

10. **Villa Park Crime Analysis Report for the month of June, 2015.**

Action: Received and filed.

12. **Resolution No. 2015-3336 confirming weed abatement assessment amount against 18341 Valley Drive.**

Action: Adopted Resolution 2015-3336, a resolution of the City Council of the City of Villa Park confirming nuisance abatement/special assessment amounts against 18341 Valley Drive.

PULLED ITEMS

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

Councilman Barnett brought up the electric car discussion that the City Council had at a previous meeting. He would like to look at the possibility of this item when the opportunity comes up again.

A motion was made by Councilman Barnett, seconded by Mayor Fascenelli, and approved by the following roll call vote, to receive and file this item.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

11. **Appointment of City Treasurer.**

Councilman Nelson suggested presenting Dennis Kuli, a Certificate of Appreciation for serving at the City Treasurer for the past 15 years.

A motion was made by Councilman Barnett, seconded by Councilman Nelson, and approved by the following roll call vote, to adopt Resolution 2015-3335, appointing Dennis Kuli as City Treasurer until July 31, 2017.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

13. Review of and Response to 2014-15 Orange County Grand Jury Report, "The Orange County Animal Shelter: the Facility, the Function, the Future."

Councilman Barnett requested staff look into a joint powers agency with other interested cities to contract private animal services.

A motion was made by Councilman Barnett, seconded by Councilman Collacott, and approved by the following roll call vote to:

1. Review the attached 2014-15 Orange County Grand Jury ("Grand Jury") Report titled *"The Orange County Animal Shelter: the Facility, the Function, the Future,"* and proposed response to the recommendation applicable to the City of Villa Park; and
2. Direct staff to implement the action proposed in response to the Grand Jury's recommendation applicable to the City; and
3. Authorize the Mayor to execute the City Council's response to the Presiding Judge of the Superior Court, prior to August 19, 2015; and
4. Request the City Manager or designee to contact other affected cities about the potential of joint power agencies or the like to contract for private animal care services and such other opportunities as the City Manager may come across in the course of those activities.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

MAYOR AND COUNCIL MEMBER MATTERS

15. Discuss and provide direction regarding alternatives to Fire Services provided by Orange County Fire Authority Joint Powers Authority.

Councilman Barnett suggested coordinating with other cities to form a new joint power agency and competitively bid for private agencies.

City Manager Hildenbrand stated AB1217 has been delayed another year and is not an urgent issue.

Councilman Barnett closed suggesting that more research be conducted so that Council will know what options are available for alternative fire services.

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

Mayor Fascenelli inquired about the 2015/2016 budgeted travel and expense accounts for Councilmen Collacott and Nelson. Finance Director Michelle Danaher replied money has been moved around to balance the budget. Mayor Fascenelli said the amount for each councilmember should be the same. City Manager Hildenbrand replied the city had been affected by a computer virus. The old document must have been saved and not the new one reflecting this change.

Councilman Collacott reported he, along with Councilman Nelson, attended the League of California Cities Conference in Monterey last month. He spoke about the City of Rancho Mirage and how their community is involved. Currently, all development is approved as a homeowners association and they have a Citizen Advisory Committee.

Councilman Nelson attended the League of California Cities conference. He commented on a speech given by the Laguna Hills City Manager, Bruce Channing, on maintaining a strong relationship between the City Council and City Manager. Councilman Nelson suggested developing a mission, vision and value and to define the City's core services. He requested the City Manager look into having a workshop with the City Council regarding this item.

Councilman Barnett asked staff to look into the cost to fix and/or update the cinder block walls throughout the city.

Councilman Nelson handed out a county assessors property tax paper to the City Council that reflected the property tax percentage.

Councilman Barnett attended a leaders conference at the Disneyland hotel. He reported staff at Congresswoman Walters' office offered their assistance to the city.

ADJOURNMENT

The City Council adjourned at 11:22 p.m. The next regular meeting will be held on Tuesday, August 25, 2015 at 6:30 p.m.



Diana Fascenelli, 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.