

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

**August 23, 2016
Regular Meeting**

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 – Daniel Alford, Boy Scout Troop #543

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Presentation to Alzheimer's Orange County recognizing September as World Alzheimer's Awareness Month
- Orange County Sheriff's Department
- Orange County Fire Authority update
- OC Mosquito & Vector Control District
- OC Sanitation District
- Community Development & Public Safety
- City Schools Advisory
- Law Enforcement Advisory
- VP Community Services Foundation
- Friends of the VP Library

ORAL COMMUNICATIONS

Mayor Mills opened public comments.

Wayne Silzel, Villa Park resident, spoke about the National Night Out event. He thanked Lieutenant Gunzel for all his work with the City. He presented Lieutenant Gunzel with a poster that members of the public signed thanking the Sherriff's Department for all they do.

Mary Silzel, Villa Park resident, spoke about the National Night Out event. This event brought several new participants to the e-network and prompted two attendees from

surrounding cities to initiate a neighborhood watch. She thanked Ms. Anitu Pattanaik of OUSD for overseeing the event and the participants from the network and members of the LEAC Committee. Ms. Silzel spoke about the non-emergency number that residents could call to report any suspicious activities. The non-emergency number is (714) 647-7000. She also spoke about the do not solicit list.

Donna Buxton, Villa Park resident, spoke about the dangerous driving conditions along Serrano Avenue. She said the municipal code states that parking relative to education institutions are considered not harmonious to residential living. She would like the Sheriff's Department to enforce the city's ordinances. The community understands that the residents near the schools have asked for a long time to have traffic conditions addressed. In addition, residents understand that schools are a valuable asset to the community but they deserve peace in their home. Ms. Buxton stated OUSD should be addressing these problems expressed by the parents of students that attend the schools. She thanked all the work LEAC has done for the community.

Marlo Naber, Villa Park resident, lives near City Hall and asked if the noticing requirements could be increased for rezoning if it is located at or near City Hall. She would like to know when items such as these would be discussed and voted on. Ms. Naber spoke about the secondary units and asked if there is a way to look at all the properties in Villa Park and count the ones that could allow a secondary unit in the arena numbers. This could prevent the need to rezone near city hall. Ms. Naber inquired about the nursery and suggested the noticing requirements be increased when this item comes forward for discussion. City Attorney Todd Litfin relayed for all public hearing notices, those residents that live within 300 feet are notified. He said under the Brown Act, people could be notified on certain agenda items.

Mayor Mills asked about the time period of notification. City Manager Hildenbrand replied a 10-day notice is given for all public hearings. City Attorney Litfin stated it is also published in the newspaper. He spoke about the RHNA numbers and second units saying the HCD is not given much credit for these although they did in the past.

Councilman Collacott addressed a rumor about something he allegedly said about supporting the privatizing of the city's maintenance functions and laying off Mike and Rich. He said this is incorrect. The maintenance staff is critical to the operation of the City and is family to the Villa Park community. He spoke with Mike and Rich about this rumor and said he would oppose any initiative brought forward to lay them off. Councilman Collacott talked about the unfunded pension liability. He would like this item investigated further at privatizing its function but only when employees retire or voluntary separate from employment with the city.

City Manager Hildenbrand reported receiving an email from Mr. Steven Wontrobski regarding the Orange County Fire Authority pension liabilities.

Mayor Mills closed public comments.

CONSENT CALENDAR (ITEMS #1-7)

Councilwoman Fascenelli asked to remove Item 2, Warrants and disbursements from July 14, 2016 through August 12, 2016; Item 5, Request approval of City Council Minutes of July 26, 2016; and Item 7, Review of and response to 2015-16 Orange County Grand Jury Report, "Drones: Know Before You Fly."

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 1, 3, 4, & 6.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

1. Waive reading in full of all ordinances and resolutions on the agenda.

Action: Waived the reading in full of all ordinances, resolutions and meeting minutes on the agenda, and directed the City Clerk to read by title only.

3. July's Treasurer's Report, Cash and Investment Transparency.

Action: Received and filed.

4. July's Financial and Capital Project Status reports.

Action: Received and filed.

6. Designation of Voting Delegate for League of California Cities Annual Conference.

Action: Appointed Councilman Robert Collacott as voting delegate for the 2016 League of California Cities Annual Conference.

PULLED ITEMS

2. Warrants and disbursements from July 14, 2016 through August 12, 2016.

Councilwoman Fascenelli spoke about the doggie walk bags in the check register with a payment of \$379. Staff gave her an itemization of how many bags were purchased and just three months ago, 16,000 were purchased. She wanted to make sure this purchase





was for just doggie bags. City Manager Hildenbrand replied this amount was just for bags and that the City spends around \$1,000 per year on doggie walk bags. Councilwoman Fascenelli commented that is a lot of money and suggested looking into a grant from the VP Foundation to fund it. Councilman Collacott replied it is part of the storm water compliance program and helps to control the bacterial controller levels.

Councilwoman Fascenelli inquired about vendor 20-20, Serrano Water District. She talked about the 30% water rate increase that was given to residents and the City. It is the Councilmembers responsibility to look out for residents and not be an advocate for additional spending to be done at Serrano Water District. An item came on their agenda regarding a membership with the California Special Districts Association. The board voted to not renew their \$6,800 membership with this organization since they were not utilizing their membership. Several months after this meeting, a Councilmember requested the Serrano Board renew their membership with the California Special Districts Association. She brought the issue of this additional spending to the Councilmember who requested it and the Serrano Board.

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 \$614,050.74.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

5. [Request approval of City Council Minutes of July 26, 2016.](#)

Councilwoman Fascenelli spoke about a comment made by Mayor Pro Tem Barnett on page 9, regarding the LEAC Committee. Mayor Pro Tem Barnett replied he stands by what he said and is torn on the concept of impairing LEAC's discretions since they are just an advisory committee. He said it will stir a controversy and is not sure it is worth the battle. Mayor Pro Tem Barnett stated if any other Councilmembers would like to look at this further he would support them. He believes LEAC was created for crime prevention and not dealing with additional issues as they have been. Mayor Pro Tem Barnett does feel the committee has gone overboard a bit but will not pursue this issue.

Councilwoman Fascenelli spoke about an item on page 14, about requesting information from OCTA regarding the streets and comparing them with surrounding cities. She was made aware this report is no longer available. City Manager Hildenbrand replied he, along with Finance Director Michelle Danaher, are still working

on the seven to ten-year forecast for the city. The OCTA report is now based on three levels instead of specific percentages. He and Ms. Danaher have been contacting local cities individually to gather this information.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Mills, and approved by the following roll call vote to, approve the City Council Minutes of July 26, 2016.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

7. [Review of and response to 2015-16 Orange County Grand Jury Report, "Drones: Know Before You Fly."](#)

Councilwoman Fascenelli stated although the city does not have a drone issue currently, establishing a drone policy would be a way to guarantee some coverage if this would become an issue. She would like some discussion on this item.

Mayor Mills commented there are other laws that could preclude this specific policy. City Attorney Litfin relayed there is a state law called the Anti-Paparazzi Law, which says you cannot fly over someone's house via drone. There was a Federal law adopted two months ago with regulations of the specific type of drones. Model airplanes are classified under the drone law but have been exempt with minor registration requirements. There are approximately 20 laws pending that deal with these types of issues. He said Councilwoman Fascenelli concerns about the potential issues are valid but with the laws moving so fast, there would more then likely been a change to the law. There are current laws that can be used if this becomes an issue in the city. City Attorney Litfin reported Villa Park currently does not have a drone ordinance in place.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Mills, and approved by the following roll call vote to, review the report and authorize the Mayor to execute the City Council's response to the Presiding Judge of the Superior Court.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

NEW BUSINESS

8. Award of Contract – Sewer line Cleaning and Emergency Services.

City Manager Hildenbrand gave the staff report. He stated Municipal Underground Services, Inc. has been a vendor with Villa Park in the past.

Mayor Mills asked why the bid offers were so different. City Manager Hildenbrand replied it is due to familiarity of the city. The lowest bids understand the city and have knowledge about it.

Councilman Nelson asked about the length of the contract. City Manager Hildenbrand replied it is a three-year contract, with the possibility for a one-year extension. Councilman Nelson stated the contract should be for \$94,080, since it is for three years. City Manager Hildenbrand said the contractor has the option to renew for another year. City Attorney Litfin stated a termination clause is included in the contract.

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, authorize the Mayor to execute a contract with Municipal Underground Services, Inc., in the amount of \$31,360 for the "Sewer line Cleaning & Emergency Services" and authorize the City Manager to direct Municipal Underground Services, Inc., to perform Emergency Response services as needed per the hourly rate.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

MAYOR AND COUNCILMEMBER MATTERS

9. Consideration of Anonymous Fraud, Waste and Abuse Hotline.

City Manager Hildenbrand gave the staff report. The estimated cost for the hotline is \$2,500 to \$6,000 per year. This does not include the amount of staff time needed to conduct the investigation of the report. He stated there were no cases of fraud in Villa

Park to trigger this item. City Manager Hildenbrand said he could look at other options, including a toll free number where someone could leave a message.

Councilwoman Fascenelli said the main component of this hotline is for the caller to remain anonymous.

Mayor Pro Tem Barnett said the concept is interesting but with Villa Park being such a small community, he hopes this is not needed. He suggested having a number for residents to call where their message goes directly to the City Council. Mayor Pro Tem Barnett suggested placing something on the website regarding this.

Mayor Mills stated the appropriate place for these calls to go would be human resources. He does not think the city should be spending this amount of money on this item.

City Attorney Litfin relayed some cities have this type of hotline but they are generally larger cities. In a technological standpoint, if the City Council would like these calls to go to human resources, he suggested establishing an email that would go directly to them. With his personal experience in Villa Park, if there is a concern, he has been the one that eventually addresses it.

Councilwoman Fascenelli said the reason why she proposed this item is because it was anonymous. If someone is sending his or her complaint to human resources, it is not different then what the city is doing currently. There is no reason to change the procedure. She said this item came up from the County and that is why she brought it forward.

Mayor Mills thanked Councilwoman Fascenelli for bringing this item forward.

Mayor Mills opened public comments.

Donna Buxton, Villa Park resident, commented there has been no evidence of fraud in the city. Villa Park has a small staff, which could prevent issues with payroll fraud and time keeping. She spoke about the possible abuse that could be a result of remaining anonymous including personal vendettas and discrediting other businesses.

Mayor Mills closed public comments.

10. [Councilmember Requested Matter \(Fascenelli\): Two-story addition to City Hall.](#)

Councilwoman Fascenelli spoke about the need for additional meeting space. There has been talk in the past about a variety of options but land was not available to purchase. The only other option would be to add a second story. She is not advocating a second story but is looking to provide an answer to the community since there are

limited options. There are several groups that use the Council chambers weekly, including the library, which uses it daily. Councilwoman Fascenelli asked if this would be an option the Council would like to look at. She said the building next door had become available for purchase last year but has since been bought. Councilwoman Fascenelli is asking if there are any other options that would help expand the community space.

Mayor Pro Tem Barnett commented an analysis of cost should be done. He believes it would be very expensive to add a second story. The city has other issues such as the streets they need to focus on.

Councilman Collacott agrees with the fact that they need more space. There is an area behind City Hall that is currently occupied by parking, maintenance and storage. He suggested contacting Serrano Water District about creating a conjunctive agreement to store some of the city's items on their property. He suggested having private funds to build something that would not involve construction in city hall.

Mayor Mills asked about using the AV room at city hall. City Manager Hildenbrand replied the AV room houses all of the equipment and provides storage. City Attorney Litfin said when the front of City Hall was redone, the City Manager at the time looked at adding a second story. The building is not structurally sound to add a second story and would create a substantial construction cost.

Councilman Nelson asked if the current demand exceeds the capacity. City Manager Hildenbrand replied no, not right now.

Councilman Nelson suggested when items are placed on the agenda, additional information such as a staff report or description should be included.

Mayor Pro Tem Barnett asked if staff is proposing to rezone just the office section. City Manager Hildenbrand replied yes. It is already zoned for mixed-use multi-family. The Council needs to amend the development standards. This parcel includes the property at city hall.

Councilwoman Fascenelli stated it was rezoned for the Housing Element. The public was aware of this change. City Manager Hildenbrand relayed when the rezoning was done, the development standards were not defined.

Councilman Collacott said the changes made was not low-income housing but for high density. City Manager Hildenbrand replied the city sent the proposed changes to HCD for review. It will then come back and staff will go through the process to amend the code. City Attorney Litfin said the City set density levels and that credit is given from the State for those density levels. The City does not have an inclusionary ordinance that requires a percentage affordable. In regards to the zoning issue, often cities will zone their property to meet the Housing Element requirements so then the City still controls

what is built. There are no requirements that anything be built in the Housing Element, just that the needs are made available.

Mayor Mills opened public comments.

Mike Wesner, Villa Park resident, expressed opposition to adding second story City Hall. He spoke about the effect it will have on the properties that are near City Hall.

David Wallace, Villa Park resident, spoke about available rooms to use at the School District and other school sites.

Marlo Naber, Villa Park resident, stated adding a second story would be a detriment to the neighborhood. She said when the Post remodeled; they told residents there was an additional room for City use. Ms. Naber agreed with contacting the school district for any rooms they may have available and to keep a look out when the building next door to City Hall becomes available again. She suggested if it does become available, to move the library there and knock down the wall that is at the current library location and make it into a meeting room.

Councilman Collacott spoke about a meeting he recently attended that took place at Serrano Water District. He suggested creating a list of available rooms outside of City Hall.

Councilwoman Fascenelli stated the library could not conduct their meetings at the school because their meetings are done during the day.

Mayor Mills relayed the parking lot in front of City Hall is not owned by the City but by the owners of the Post. The City has an easement for access only.

Councilwoman Fascenelli asked about the zoning for the public works area behind City Hall. City Manager Hildenbrand replied it was included in the zoning with City Hall since they all sit on the same parcel.

Mayor Mills closed public comments.

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

Mayor Mills attended the OC Sanitation District open house. He will be attending the OC Sanitation District board meeting tomorrow.

Councilwoman Fascenelli congratulated Mayor Mills for being elected to the Serrano Water District 3.

Mayor Pro Tem Barnett spoke about his resignation from his Mayor Pro Tem position. He asked to agendize the election for this position. He will remain serving on the City Council as a councilmember.

City Manager Hildenbrand congratulated Lieutenant Gunzel on his retirement.

ADJOURNMENT

The City Council adjourned at 8:21 p.m. The next regular meeting will be held on Tuesday, September 27, 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.