

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

September 27, 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 – Nate Lairmore from Troop 850

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Orange County Sheriff's Department update
- Orange County Fire Authority update
- OC Mosquito & Vector Control
- Orange County Sanitation District
- Community Development & Public Safety
- City School's Advisory
- Law Enforcement Advisory
- Friends of the VP Library
- Mayor Pro Tem Barnett gave an update on the Orange County Fire Authority pension.
- Serrano Water Board update
- Mayor Mills presented certificates recognizing the VP Community Services Foundation for the Walk with a Friend Event

ORAL COMMUNICATIONS

Mayor Mills opened public comments.

Robert Pitts, Villa Park resident, introduced himself and announced he is running for Villa Park City Council. He thanked Mayor Mills and Mayor Pro Tem Barnett for their service to the community.

Richard Murg, Villa Park resident, is a member of LEAC. He gave an overview of his professional history in law enforcement. Mr. Murg spoke about a local newspaper article regarding an issue that was brought forward to LEAC on school pick up and drop off. The City Council received a recommendation from LEAC regarding this issue. According to the newspaper article, LEAC had tricked or deceived the City Council to approve this recommendation. He wanted to reiterate the Committee did not deceive or trick anyone.

Eric Kuli, Villa Park resident, spoke about Measure S and the research he conducted. He talked about the increased value of homes as the return for this measure. He spoke in support of Measure S.

Mayor Mills closed public comments.

APPOINTMENT

1. [Appointment to the Villa Park Community Services Foundation.](#)

Mayor Mills opened and closed public comments.

Councilwoman Fascenelli thanked Birgit Miller for stepping forward and said she will be an asset to the foundation.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote to, receive the recommendation from the Board of Directors and appoint Birgit Miller for a term ending December 2018.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT CALENDAR (ITEMS #2-11)

Councilwoman Fascenelli pulled Item 3, Warrants and disbursements from August 13, 2016 through September 8, 2016; Item 8, Villa Park Community Services Foundation Bylaws Amendments, and Item 9, Release designated fund balance for Sycamore Sewer Pump upgrades.

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote, to approve Consent Calendar Items 4-7, 10 & 11.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

2. [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.

4. [August's Treasurer's Report, Cash and Investment Transparency.](#)

Action: Received and filed.

5. [August's Financial and Capital Project Status reports.](#)

Action: Received and filed.

6. [August's Crime report.](#)

Action: Received and filed.

7. [Request approval of City Council Minutes of August 23, 2016.](#)

Action: Approved.

10. [Agency-State Agreement for Federal Aid Projects and Program Supplement Agreement for Taft Avenue Rehabilitation Project.](#)

Action: Adopted Resolution No. 2016-3370.

11. [Food Scrap Recycling Program Rates for AB 1826 – California's Mandatory Commerical Organics Recycling Law.](#)

Action: Approved the food scrap recycling program rates as stated in the staff report.

PULLED ITEMS

3. [Warrants and disbursements from August 13, 2016 through September 8, 2016.](#)

Councilwoman Fascenelli inquired about a payment made to vendor Hardy and Harper for \$26,824. Finance Director Michelle Danaher replied this payment was for the release of retention funds for the 2015/2016 street project. She said the city waits 35-days after the notice of completion to release the funds.

Councilwoman Fascenelli talked about an \$82,000 payment made to the City of Orange. She said this was for the widening of Katella and Wanda. The city had initially budgeted \$100,000 for this project. She asked if there are any outstanding bills for this project. Ms. Danaher replied no. The \$82,000 is the total cost incurred by the city.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote to, approve the warrants and disbursements in the amount of \$390,032.72.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

NEW BUSINESS

12. [Update of Pavement Management Program Report.](#)

City Manager Hildenbrand gave the staff report. He stated the City of Villa Park is right along side with the averages in Orange County. The finance department has conducted some forecasting and is suggesting doubling the funding level from \$350,000 to \$700,000. He said with this funding level, the city should be able to maintain, if not raise the PCI index from 80% to about 85% over a three-year period. City Manager Hildenbrand is asking the City Council to approve the \$700,000 requested funds and said staff will come up with a schedule of projects over the next eight years.

Mayor Mills talked about the rubberized cement.

Councilwoman Fascenelli inquired if the allocation can be changed each year. City Manager Hildenbrand replied the City Council would be voting on this every year as part of the budget. Councilwoman Fascenelli would like it to be stipulated that the City Council has to approve this allocation every year. She said the funds do not have to be changed each year, but the City Council should be approving it every year.

Councilman Nelson asked about staff's request of \$700,000 and why it was so different from their initial request at the previous City Council meeting. City Manager Hildenbrand

replied if the city combined the projects from 1.4 years to over 8 years, the city should be able to maintain the PSI level.

City Engineer Akram Hindiyeh stated in the pavement management report presented to the City Council in July, the recommendation was the city needed \$1,000,000 to maintain the existing pavement condition. Staff is now recommending the budget increase from \$350,000 to \$700,000. These funds will run the program with specific projects. These funds will improve the pavement management program. Staff will see as it progresses if they are able to maintain the streets with these funds. If not, they may come back to the City Council for addition funds.

Councilman Nelson inquired about staff presenting scenarios to the City Council and specific dollars amounts. City Engineer Akram Hindiyeh replied staff would conduct a project style analysis on the \$700,000. It will include an actual schedule over the next few years. This will make a big difference on how the program will analyze the pavement condition of the whole network.

Mayor Mills commented forecasting will help with the bidding process. City Engineer Akram Hindiyeh replied by having a larger project, larger companies would compete for the bidding.

Mayor Pro Tem Barnett stated the City Council had asked staff to take a look at this and come back with a recommendation. Staff ended up looking at this in context of the budget and saw what could be refined and what was available.

City Manager Hildenbrand relayed the city has not budgeted for many Capital Improvement Projects this year. As part of the budget and forecast, the city has set aside \$100,000 annually for storm drain improvements. The city should be receiving the storm drain master plan update from the consultant next month. Currently, there is \$371,000 set aside for the Pavement Management Program. Staff is requesting an additional \$350,000, to bring this total to \$700,000. In addition, there is \$285,000 in Capital Improvement Funds.

Councilman Collacott spoke in support of staff's request of an additional \$350,000 for this project. He said many streets in Villa Park are in great condition, but that there are still some in bad shape. Councilman Collacott feels this is a step in the right direction. He is anticipating the results of the sewer condition report and what will be the outcome.

Councilwoman Fascenelli suggested residents take a look at the report. Villa Park has a PSI of 84, with only five other cities in Orange County that have lower PSI's. She asked if the city is getting ahead of itself with doubling the money for this project before they receive the report on sewers. She asked when they would be receiving these numbers. City Manager Hildenbrand replied the city would be receiving the report next month. Councilwoman Fascenelli suggested waiting on allocating this money until the storm drain report is received.

City Manager Hildenbrand relayed there is no immediate concern for storm water issues. There is \$100,000 set aside for this specifically and an additional \$350,000 set aside for infrastructure and capital improvement. Councilwoman Fascenelli commented she is not sure why the council is voting on pavement and storm water separately since these two items are always discussed together. City Manager Hildenbrand said there is additional funding available should any issues arise with storm water. There is an additional \$400,000 in the fund balance and Dunkin' Donuts should provide additional tax money.

Councilman Nelson asked if staff took into account Measure M and Gas Tax funds. Ms. Danaher replied yes. They are included in the \$350,000. Councilman Nelson stated the balance is over \$700,000. Ms. Danaher replied the General Fund only has a portion of the Gas Tax and Measure M funds.

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

A motion was made by Mayor Pro Tem Barnett, seconded by Mayor Mills, and approved by the following roll call vote to, 1) Review and approve the Pavement Management Program Report and determine the appropriate funding allocation for the street improvements projects, 2) Direct Staff to redevelop a new PMP scenario with Council's desired funding allocation; and 3) Direct Staff to prepare a street improvement schedule for the eight years based on Council's desired funding allocation.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

City Manager Hildenbrand stated staff would comeback with a new Pavement Management Plan scenario for the City Council to review.

8. [Villa Park Community Services Foundation Bylaws Amendments.](#)

Councilwoman Fascenelli spoke about a phone conversation she had with the Villa Park Community Foundation Chairman Doug Bender. She asked about the amendment and asked if he would support moving this item to the next agenda so the City Council can review it in more detail. The City Council appointment representatives have not been in attendance of the last few foundation meetings. Foundation Chairman Bender agreed to move this item to the next City Council meeting since it was not imperative to vote on it tonight.

Mayor Mills concurred that there are things that need to be clarified.

A motion was made by Councilwoman Fascenelli and seconded by Mayor Mills to move this item to the October City Council meeting.

Councilman Nelson commented the clean up was just to have the treasurer keep the books at home. He inquired about what additional clean up is needed in the bylaw amendment. Councilman Nelson stated if the committee saw other things that needed to be amended, they would have pulled this item themselves. Councilwoman Fascenelli replied that is why she spoke Chairman Bender and he said to continue this item.

Mayor Pro Tem Barnett suggested approving this item now and looking at any changes later. Councilman Collacott agreed with this suggestion.

Councilwoman Fascenelli said this would be going against what the Chairman wants to do. Mayor Pro Tem Barnett sees it as a simple change. There may be other issues to talk to them about that could be addressed after approval.

Councilwoman Fascenelli commented Mayor Pro Tem Barnett and Councilman Collacott are the City Council liaisons on this committee and have not attended the last few meetings.

Councilman Collacott stated Chairman Bender agreed to continue this item but not the entire board.

Mayor Pro Tem Barnett proposed to approve this item now and if there are subsequent changes to be made, then bring it back. He suggested approving what they are requesting.

Councilman Fascenelli relayed some items were missed, not just one sentence. She spoke with Mayor Mills, City Manager Hildenbrand, and Chairman Bender about moving this item to another meeting since there were corrections to be made.

A substitute motion was made by Mayor Pro Tem Barnett and seconded by Councilman Collacott to approve the bylaws as presented and address any additional issues as they arise.

Councilwoman Fascenelli stated there is not just one issue. The committee did not have a Governance Committee. They recently appointed a head of their Governance Committee and it is only fair to have this person look at the amendment. There are additional items to be cleaned up in terms of financial. She said there is nothing wrong with the bylaws but that they need additional clean up.

Mayor Pro Tem Barnett replied if the Community Services Foundation made the request to continue this item then he would support that request. He said if Councilwoman Fascenelli suggested continuing it, then it is appropriate to approve their request and

then come back with any changes in the future. Councilwoman Fascenelli stated she asked and received an answer of yes.

Councilman Nelson reiterated what Mayor Pro Tem Barnett was saying. Councilwoman Fascenelli made the request for continuance, not the Foundation. He does not think the Chair has the authority to make a decision for the entire Foundation.

Councilman Nelson spoke in support of approving the changes and if any additional changes are needed in the future, then the City Council can look at them at that time.

Councilwoman Fascenelli stated there are several changes to be made. She said the bylaws stated two signatures are needed. She is not trying to make this an issue. She wanted to give the new head of the governance committee the opportunity to look at this since no one has held this position for 1 ½ years.

Councilwoman Fascenelli said she is not approving a document that is incorrect. This was a simple request that was discussed with Mayor Mills, City Manager Hildenbrand and Chairman Bender. She said approving this item would make the City Council liable.

Councilwoman Fascenelli stated there are many changes that needed to be made and that she had detailed notes but did not bring them tonight because she thought the City Council would respect the Chairman's answer.

City Manager Hildenbrand stated there were two typos that need to be changed. These include: Section 1.2, the word "extend" should read "extent"; and in Section 10.1, the word "to" should be "in".

A motion was made by Mayor Pro Tem Barnett, seconded by Councilman Collacott, and approved by the following roll call vote to, approve the bylaw amendments as recommended by the Board of Directors with the changes of the two typos as stated by the City Manager.

AYES: Barnett, Collacott and Nelson

NOES: Fascenelli and Mills

ABSENT: None

ABSTAIN: None

9. Release designated fund balance for Sycamore Sewer Pump upgrades.

Councilwoman Fascenelli asked about the homes on Sycamore and if they are paying for the \$3,800 or if the city is. City Manager Hildenbrand replied each home is being

assessed \$878. The city has the reserves because of the assessment. Staff does not have the authority to pull the money, only the City Council does.

Councilwoman Fascenelli asked if all of the funds are put into reserves. City Manager Hildenbrand replied yes. The money is spent on large projects such as the one being presented. Ms. Danaher stated the city recently bought a sewer pump a year ago. This is an example of a big capital expense the city has to save up for. This is the goal when the assessments are done.

Councilwoman Fascenelli asked how much is in the reserves for the Sycamore sewer pump and how long it has been in there. Ms. Danaher replied there is \$15,000, which has been accumulation for four years.

Councilman Collacott stated this improvement would help with the efficiency and reliability of the pump station. If the pump station was to fail, there is a potential for sewer discharge.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Pro Tem Barnett, and approved by the following roll call vote to, authorize the Finance Director to release \$3,800 from the sewer pump designated reserve in the Assessment District Fund.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

13. Notice of Intention of Termination – California Public Employees' Retirement System.

City Manager Hildenbrand gave the staff report. CalPERS completed their initial termination report in February 2015. At that time the City Council adopted to conduct this exercise every two years. The City Council is to make a decision to exit or terminate with CalPERS.

Mayor Pro Barnett suggested the City Council not continue to review this every two-years. He said this triggers different levels of liability for the city. He is not sure if CalPERS will change their policy if the city keeps looking at the possibility of terminating. He suggested looking at this every two to three years.

Mayor Mills agreed with placing this on the agenda every two years.

City Manager Hildenbrand stated staff can receive the report from CalPERS and place it on the consent calendar as a receive and file.

MAYOR AND COUNCILMEMBER MATTERS

14. [Provide Direction to the Voting Delegate Regarding the 2016 Annual Conference Resolution Packet.](#)

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

City Manager Hildenbrand gave the staff report. He is looking for direction from the City Council. Councilman Collacott was designated as the voting delegate and needs some direction from the City Council. He is not sure of the cost of Vision Zero. The resolution being brought forward to just looking for a commitment from the City of Villa Park, not funds. City Manger Hildenbrand said the city currently spends money to increase traffic safety. This resolution would just solidify what the city is already doing. This resolution requires the League of California Cities to make it a priority.

Councilwoman Fascenelli said even if Villa Park does not support the resolution, the League of California Cities does not let you express your opposition at the general meeting. It is written in their bylaws, if there were opposition, it would need to be expressed at the committee level.

Mayor Pro Tem Barnett said he loves the concept but suggested the city not support it. There would be cost increases and traffic delays as a consequence. He is not aware Villa Park has a big problem on either of these. Mayor Pro Tem Barnett says it is a great concept but does not think Villa Park needs to enforce it.

Councilwoman Fascenelli relayed SCAG already has programs like this. She is not sure why the League of CA Cities wants to take this on. She spoke in opposition to support this resolution.

Mayor Mills expressed concern that the city would be cornered off when supporting these programs.

Councilman Collacott stated the City Council's consensus is to vote no on this resolution.

Councilman Nelson said he does not have a strong feeling either way. If the City Council feels they do not want to support it, then he will go ahead and agree with the majority.

A voice vote was made for opposing the resolution. It passed unanimously.

15. Councilmember Requested Matter (Barnett): Electronic Sign in partnership with Ralph's Grocery.

Mayor Pro Tem Barnett gave a brief overview of the discussion that was made at previous City Council meetings. He spoke with the Ralph's manager who likes the idea. The manager's concern was with corporate and funding. Mayor Pro Tem Barnett is still waiting to hear back from the manager since he was out of town. Since his time on the City Council is ending soon, he is not sure if this item will be resolved by then. He offered to keep on task with this project even when he is not serving on the City Council. In addition, the Ralphs manager said there is no problem with Ralphs managing the electronic sign.

Councilman Nelson suggested Mayor Pro Tem Barnett continue negotiating with Ralphs and come back with his findings.

Councilwoman Fascenelli does not think this has anything to do with the City. She said if Mayor Pro Tem Barnett has something to discuss, then to come back to the City Council and address it then.

16. Councilmember Requested Matter (Barnett): Electric Vehicle Charging Station in Town Center.

Mayor Pro Tem Barnett spoke about this item being brought up to the Finance Committee several years ago. He was opposed to it at the time but has now changed his view. The electric vehicle market has progressed. He sees the only deficiency the city has is not enough infrastructure to accommodate electric cars. Mayor Pro Tem Barnett is trying to rectify what he sees as a narrow-minded error, and to look at installing a few stations in Villa Park. He is looking for the City Council's support in directing staff to look into this.

Councilwoman Fascenelli replied she brought this item up at the strategic planning session. She had many conversations with the owners of Dunkin' Donuts and money was placed in the budget for this in the past. Later, the new City Council decided to remove the funds from the budget. Dunkin' Donuts was willing to contribute to installing the charging stations but no longer can because the building has already been built. She said City Manager Hildenbrand had done a lot of work on this at the time. There is no space in Villa Park for these stations.

Mayor Pro Tem Barnett said the city could encourage businesses to install these charging stations. There are many options to install these including placing a meter on the street.

Councilwoman Fascenelli does not want to put out staff to make this project viable at this time.

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

A motion was made by Mayor Pro Tem Barnett, seconded by Councilman Nelson, and failed by the following roll call vote to, have staff look into the installation of electric car charging stations in Villa Park.

AYES: Barnett and Nelson

NOES: Collacott, Fascenelli and Mills

ABSENT: None

ABSTAIN: None

City Manager Hildenbrand stated he would contact Town Center property owners to determine interest level.

17. Councilmember Requested Matter (Barnett): Resignation of Mayor Pro Tem Position.

Mayor Pro Tem Barnett talked about the Mayor Pro Tem election that took place last year saying it was a controversial time with the City Council and there was a split decision with the nominations. He was not intending to run for another term but took the position as the tiebreaker. The City Council has since settled down and he sees it appropriate to resign as Mayor Pro Tem. As a general rule, the Mayor Pro Tem could be the next Mayor.

Councilwoman Fascenelli spoke in opposition of Mayor Pro Tem Barnett resigning from his position. She said the position expires in 60 days and that the Mayor Pro Tem has no other role then to take over the City Council meeting when the Mayor is absent. Councilwoman Fascenelli is not sure why Mayor Pro Tem Barnett would bring this up now since there are only two months left. She stated Mayor Pro Tem Barnett should honor the City Council's vote and remain in his position.

Mayor Pro Tem Barnett commented his concern was that he was the swing vote. He commented on why he is doing this and does not want to make a huge issue out of it.

Councilwoman Fascenelli stated Mayor Pro Tem Barnett has a duty to the city. He is not quitting the City Council, so he should fulfill his duty and remain in his position for the last 60 days.

Councilman Collacott commented Mayor Pro Tem Barnett has stated why he took the position a year ago and why he is resigning. He is in support of his decision and suggested to appoint a new Mayor Pro Tem.

Councilwoman Fascenelli asked if the election of Mayor Pro Tem was on the agenda. City Manager Hildenbrand replied the recommendation action is to discuss and take action as desired. The action could be electing a new Mayor Pro Tem or to leave the position vacant.

Councilwoman Fascenelli said there are additional costs involved if a new Mayor Pro Tem is elected tonight.

Councilman Nelson spoke in support of Mayor Pro Tem Barnett's decision.

Mayor Mills opened public comments.

John Whitman, Villa Park resident, spoke in support of electing Councilman Nelson as Mayor Pro Tem saying he has all the qualities for this position.

Mayor Mills closed public comments.

Mayor Mills commented he is not sure why Mayor Pro Tem Barnett is bringing this item for discussion so late in the year and spoke in opposition. This position provides the convenience to have someone fill in for the Mayor in his or her absence.

Councilwoman Fascenelli said this appears to be a political move and if Mayor Pro Tem Barnett does not want to be a part of the City Council, he should resign. The City Council voted him at the Mayor Pro Tem and it is his duty to fulfill it.

Mayor Pro Tem Barnett said he had started this gesture some time back and understands the late timing is a cause of some concern. If he resigns, what does the city have to do? Is it a big burden for city staff or an expense to the city? City Manager Hildenbrand replied the cost to the city is nominal. A new nameplate would be ordered, new business cards and new letterhead would be ordered as well.

Mayor Pro Tem Barnett stated his inclination is to still proceed with his resignation.

A motion was made by Councilman Collacott to nominate Councilman Nelson for the position of Mayor Pro Tem.

Mayor Pro Tem Barnett said he would like to proceed with resigning as Mayor Pro Tem. He does not see any significant consequence or cost and burden to the city. He will resign as Mayor Pro Tem. He will not be resigning from the City Council.

City Attorney Todd Liftin stated Mayor Pro Tem Barnett has now resigned from his position as Mayor Pro Tem. According to the Brown Act, an election to fill the position can take place. He said there does not have to be a second for the nomination.

A motion was made by Councilwoman Fascenelli and seconded by Mayor Mills, to keep the seat of Mayor Pro Tem vacant specifically for the reason there is an election in two months which would allow the new City Council members the opportunity to elect a Mayor Pro Tem.

AYES: Fascenelli and Mills

NOES: Barnett, Collacott and Nelson

ABSENT: None

ABSTAIN: None

City Manager Hildenbrand said the position could be left vacant up to 120-days, or at least until the reorganization meeting. City Attorney Liftin stated the Municipal Code allows a position to remain vacant over a certain period of time.

A motion was made by Councilman Collacott to elect Councilman Nelson to the position of Mayor Pro Tem.

AYES: Barnett, Collacott and Nelson

NOES: Fascenelli and Mills

ABSENT: None

ABSTAIN: None

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

Councilwoman Fascenelli stated she is disappointed Councilman Barnett did not honor the City Council when they nominated him as Mayor Pro Tem. Councilman Barnett replied at the time, he was uncomfortable with taking the position because he was not going to be on the City Council for a longer period of time. He took the Mayor Pro Tem position because he was frustrated with the City Council. Councilman Barnett appreciated the vote of confidence from his colleagues.

Mayor Mills requested to move the reorganization meeting to another date other than December 6. City Manager Hildenbrand relayed Mayor Mills has been nominated, appointed and if elected to the Serrano Water Board, there is a water district code that says their reorganization takes place on the first Friday of December at noon. That happens to be on the City Council's reorganization meeting scheduled for December 2.

City Attorney Todd Liftin stated it is better to agendize this item and discuss it. Mayor Mills asked to agendize this item and suggested having the meeting take place on November 29, since the City Council is accustomed to meeting on Tuesday.

ADJOURNMENT

The City Council adjourned at 8:33 p.m. The next regular meeting will be held on Tuesday, October 25, 2016 at 6:30 p.m.



Greg Mills, Mayor
City of Villa Park

ATTEST:



Jasad 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.

