

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

**October 27, 2015
Regular Meeting**

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

ROLL CALL - Mayor Fascenelli called the General Session to order at 6:32 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Mills, Nelson and Fascenelli

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – Mayor Pro Tem Mills

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Presentation from Orange County Sheriff Sandra Hutchens
- Presentation from Orange County Treasurer Shari Freidenrich
- Orange County Fire Authority update
- Law Enforcement Advisory Committee Update - Councilman Collacott announced this update would be conducted at the next City Council meeting.

ORAL COMMUNICATIONS

Mayor Fascenelli opened public comments.

Jim Gorden, Villa Park resident, requested the city conduct a traffic study at the property where the old gas station was located. He asked that the City Council consider maintaining the safety of the children and the traffic throughout the shopping center. Mr. Gorden asked that Item 12, Wanda Greenbelt Project Update, be moved up since it is located so far down on the agenda.

Mayor Fascenelli closed public comments.

PUBLIC HEARINGS

1. [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, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

2. [Consideration of Ordinance No. 2015-595 amending several sections of the Villa Park Municipal Code regarding Rules of Debate, Lapse of Variance or Conditional Use Permit, preparation of ordinances, and Traffic Safety Committee.](#)

City Manager Hildenbrand gave the staff report.

Item 1: Section 23-19.19.- Lapse of Variance or Conditional Use Permit:

The recommendation was to remove a portion of the current code so that it will now read: "A variance or conditional use permit shall lapse and shall become void one year following the date on which the variance or use permit became effective, unless prior to the expiration of one (1) year, a building permit is issued,...."

City Attorney Megan Garibaldi stated the change would clean up the current city policy to be consistent with the California Building Code.

Mayor Fascenelli opened public comments.

Wayne Silzel, Villa Park resident, spoke about projects within the city that have not been completed. Mayor Fascenelli replied that is a different issue and the council will not be discussing it today.

City Attorney Megan Garibaldi said the City Council could propose to come back with separate ordinances on the four issues discussed on this item at the second reading.

A motion was made by Councilman Barnett, seconded by Councilman Nelson, and approved by the following roll call vote to approve the changes to Section. 23-19.19. – Lapse of Variance or Conditional Use Permit as stated above by the City Manager.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

Item 2: Section 2-3.8.- Rules of Debate:

The proposed change is to amend the municipal code to add subsection e, which will read: "Reconsideration of Prior Actions. The City Council will not rehear or reconsider an issue within one year after a decision has been made unless the City Manger or City Attorney determine that the facts or legalities of an issue have changes or another hearing or reconsideration is required by law. A Councilmember who voted along with the majority on the issue at Council's previous consideration of the issue, or a Councilmember who took his or her seat on the Council after the prior consideration of the issue, may also request reconsideration."

Councilmember Nelson asked for this item to be brought forward due to the issue of items being discussed repeatedly at City Council meetings.

Mayor Fascenelli said she understood the reasoning for this item but does not think it is an issue. She expressed concern that this is a gag order on the City Council.

Councilman Barnett suggested not making the change unless it becomes a problem.

Mayor Pro Tem Mills spoke in opposition of the proposed changes.

Councilman Nelson stated it is good government practice and that most cities have this verbiage in their rules of debate.

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

A motion was made by Councilman Nelson and seconded by Councilman Collacott to approve the changes to Section 2-3.8- Rules of Debate.

AYES: Collacott and Nelson

NOES: Barnett, Mills and Fascenelli

ABSENT: None

ABSTAIN: None

A motion was made by Councilman Nelson, seconded by Councilman Collacott, and approved by the following roll call vote to remove proposed subsection e from Section 2-3.8. – Rules of Debate.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

Item 3: Article 2-7 and Article 19-1 – Traffic and Safety Committee:

Staff is recommending dissolving the Traffic and Safety Committee. The established Law Enforcement Advisory Committee currently conducts the duties of the Traffic and Safety Committee. City Manager Hildebrand stated the committee has met once since 2001.

Mayor Fascenelli opened public comments.

Wayne Silzel, Villa Park resident, stated failure to meet does not mean the committee should be dissolved. He said there is still a need for this committee.

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 repeal Article 2-7 and Article 19-1 – Traffic Safety Committee from the municipal code to dissolve the Traffic Safety Commission.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

Item 4: Section 2-2.12 – Ordinances, Resolutions, Motions and Contracts

Currently, subsection a states that all ordinances shall be prepared by the City Attorney. Staff is recommending including city staff in the verbiage in this section.

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

Councilman Barnett suggested it read: "prepared or reviewed by the City Attorney."

A motion was made by Mayor Fascenelli, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote to change Section 2-2.12. – Ordinances, Resolution, Motions and Contracts, subsection a. to read: "Preparation of Ordinances. All ordinances shall be previewed and prepared by the City Attorney. "

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

A motion was made by Councilman Nelson, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote to approve the first reading of Ordinance No. 2015-595, and set November 17, 2015, as a second reading and adoption; and to remove the proposed changes to Section 2-3.8., Rules of Debate, subsection d and e; and to make the changes council recommended to the verbiage on Section 2-2.12.— Ordinances, Resolution, Motions and Contracts.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT CALENDAR (ITEMS #3-9)

Councilman Barnett pulled Item 4, Monthly Financial and Capital Project Status.

Councilman Collacott pulled Item 9, Resolution 2015-3322, designating authorized city representatives to examine sales of transaction and use tax records.

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 3 & 5-8.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

3. Warrants and disbursements from September 12, 2015 through October 16, 2015.

Action: Approved warrants and disbursements in the amount of \$360,119.82.

5. Request approval of City Council Minutes of August 25, 2015.

Action: Approved.

6. Request approval of City Council Minutes of September 22, 2015.

Action: Approved.

7. Villa Park Crime Analysis Report for the month of September, 2015.

Action: Received and filed.

8. FY 14/15 Sewer Rehabilitation Project Notice of Completion.

Action: That the City Council accept the "FY 14/15 Sewer Rehabilitation Project" from the Contractor, Ramona, Inc., and authorized the City Clerk to file and record the notice of completion.

PULLED ITEMS

4. Monthly Financial and Capital Project Status reports.

Councilman Barnett commented on the mesa improvement project. After speaking with residents, he suggested looking into installing a sidewalk or a trail along the street instead of a curb and gutter. Councilman Barnett said this would cost less and be less invasive.

City Manager Hildenbrand stated this project is still in the design phase. He said this project would be brought back to the City Council for a study session.

A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and approved by a roll call vote to receive and file this report.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

9. Resolution 2015-3344, designating authorized city representatives to examine sales or transaction and use tax records.

Councilman Collacott inquired about the new sales tax revenue and how it is determined. City Manager Hildenbrand replied it is in the records.

A motion was made by Councilman Collacott, seconded by Councilman Barnett, and approved by the following roll call vote to adopt Resolution 2015-3344.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

NEW BUSINESS

10. Update to agreement with Rutan & Tucker for provision of City Attorney Services.

City Manager Hildenbrand gave the staff report. He stated the update to the agreement does not include any changes to the rate; it is providing a more detail scope of services.

Councilman Nelson said it was not clear to him on what was included in the retainer. This clarifies it as well as updating the agreement, which has not been looked at in years.

Mayor Fascenelli asked about the foundation work that is done by the city attorney. City Manager Hildenbrand replied the city pays for the services, and the foundation pays the city.

City Manager Hildenbrand relayed the new wording will give the City Council approval to have additional specialized work done for the foundation.

Councilman Nelson expressed concern that it is an evergreen contract. He would like it to have a four or five year-end date.

Mayor Fascenelli stated the contract could be terminated at any time.

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

A motion was made by Mayor Pro Tem Mills and seconded by Councilman Barnett, to approve the contract.

A substitute motion was made by Councilman Nelson and seconded by Councilman Collacott to adopt Resolution No. 2015-3346 with the provision of having a five-year term on the contract.

AYES: Collacott and Nelson

NOES: Barnett, Mills and Fascenelli

ABSENT: None

ABSTAIN: None

A motion was made by Mayor Pro Tem Mills, seconded by Councilman Barnett, and approved by the following roll call vote to approve and authorize the Mayor to execute the proposed agreement for provision of City Attorney Services with Rutan and Tucker.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

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. 2015-3346 appointing the legal representatives of the City.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

11. [Fiscal Year 2014-2015 Comprehensive Annual Financial Report \(CAFR\).](#)

Finance Manager Michelle Danaher gave the staff report.

Mayor Fascenelli inquired why some city council members in other cities are considered employees of the city they serve. Finance Manager Michelle Danaher replied it might be because they receive a stipend from the city. Councilman Nelson stated according to the IRS code, all elected and appointed officials are employees of the city.

Mayor Fascenelli requested this topic be addressed and brought back for discussion.

Councilman Nelson requested the entire audit be presented to the City Council. Finance Manager Michelle Danaher replied there is an additional cost if the City Council would like to get the CAFR certificate and the additional auditor findings.

Councilman Nelson stated this item should have been placed on the Consent Calendar since the Budget and Finance Advisory Committee reviewed it.

Councilman Barnett requested staff look into expanding the audit to include internal control and the general fund. Finance Manager Michelle Danaher replied a separate contract is needed for internal control. City Manager Hildenbrand said staff would look at including an internal control review in a future audit.

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

Councilman Collacott spoke about several issues he had with the audit. He requested Mayor Fascenelli recuse herself on this discussion due to a potential conflict of interest.

The City Council recessed at 9:09 p.m. and resumed at 9:24 p.m.

City Attorney Megan Garibaldi stated since no governmental decisions are being made on this item, there is no conflict of interest.

City Manager Hildenbrand said the cafeteria plan is available for past and current City Council members to purchase health insurance with the city.

Councilman Collacott inquired about two people who pay into this program that were late on their payments to the city. City Manager Hildenbrand replied he has the authority to waive any penalties on late payments since the city is ultimately reimbursed. He will look into the policy and details regarding this issue.

Councilman Collacott said there should be a policy in place stating coverage should be terminated if the payment is made late. He expressed concern with the late payments being made by Mayor Fascenelli and previous Councilmember Saldorini. Councilman Collacott requested staff put together a city council policy regarding late payments and penalties associated with it. He does not agree that the city treasury has been covering late payments.

Mayor Fascenelli stated she has paid any late fees incurred and asked if Councilman Collacott has copies of her personnel documents. Councilman Collacott replied he did not have any of her personnel documents. He requested staff make the payments that were made available for the public to view.

Councilman Collacott requested to bring back a policy for consideration.

A motion was made by Councilman Nelson, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote to receive and file the audited CAFR, the Report on Compliance and Other Matters and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets; and the letter communicating with those charged with governance in accordance with Statement on Auditing Standards No. 114 for the City of Villa Park for the year ended June 30, 2015.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

12. Wanda Greenbelt Project Update.

Councilman Collacott gave an update on this item. A design company was selected to draft a proposed design. It was presented at a public meeting two weeks ago. The vast majority of the comments made were against the proposed design. Many members of the public did not want to see additional water usage on the greenbelt, while others wanted the money to be spent on other public needs. Discussion regarding water conservation was made with Serrano Water District to retrofit the sprinkler heads with water conserving sprinkler heads as well as installing sprinkler timers.

Councilman Collacott relayed the recommendation is to go back and look into a more water conservation approach to this project, to price out the changes needed, and to bring it back to the City Council for discussion and direction.

Councilman Nelson spoke about the water conservation comments made by residents at the workshop. He talked about having an irrigation system installed for the trees and other plants. There was discussion about having the consultant stop working on the current project so that staff could look into a water conservation approach.

Mayor Fascenelli said the project was not just about water savings but also about the aesthetics of the Wanda greenbelt. She would like to see what the architect came up with.

Councilman Nelson said the community spoke in opposition of the proposed project.

Mayor Fascenelli spoke about an email she received from Villa Park resident Joseph Barsa in opposition of the project. She spoke about the importance of updating the aesthetics of the city.

Mayor Fascenelli asked about council members attendance at town forum meetings. City Attorney Megan Garibaldi replied all City Council members could attend a town forum meeting as long as the majority does not participate.

Mayor Fascenelli opened public comments.

Wayne Silzel Villa Park resident attended the town forum and said residents were concerned about the drought. It was reported that \$27,000 is being spent monthly on watering the two acre Wanda greenbelt. Mr. Silzel spoke about possible asphalt issues in the future.

General Barry, Villa Park resident, spoke in support of water conservation efforts for this project. He suggested looking at the beautification of this location at a later date.

Mayor Fascenelli closed public comments.

Councilman Nelson stated the committee was recommending an alternative to the project by looking at water conservation options.

Mayor Pro Tem Mills spoke about the current firm working on the project and thought they would have come up with a more water saving option. Councilman Collacott replied the hired firm was consistent with the scope of work.

City Manager Hildenbrand stated he told the other council members to not attend since it was an informal meeting.

City Manager Hildenbrand spoke about the current contract and said between \$10,000 and \$12,000 has been spent so far on the \$30,000 contract. It would cost an additional couple thousand dollars to halt work on this project.

Councilman Collacott suggested hiring another firm such as Tropical Plaza, to cost out replacing sprinkler heads and installing timers.

A motion was made by Councilman Nelson and seconded by Councilman Collacott to approve the CD&PS Committee's recommendation and proceed with the alternative design.

Councilman Barnett expressed concern about the water bill at this location. He suggested having a water efficient sprinkler system installed and clean up the existing planters by planting drought tolerate plants and rock.

Councilman Nelson relayed the designer proposed to plant shrubs to cover the walls of residents near this project.

A revised motion was made by Councilman Nelson, seconded by Councilman Collacott, and approved by the following roll call vote to approve the CD&PS Committee's recommendation and proceed with the alternative design of installing shrubbery to cover the walls and bring in rock for ground cover.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Fascenelli would like to compare what the current designer has to the new proposal.

Councilman Barnett would like the new changes to not exceed \$20,000 to \$30,000 in cost. City Manager Hildenbrand replied it cost more then that but would look into it.

MAYOR AND COUNCIL MEMBER MATTERS

13. Councilmember Requested Matter (Collacott): Consideration of a Resolution congratulating Councilman Bill Nelson on his election as president of the California Special Districts Association (CSDA).

Councilman Collacott requested this item on the agenda to recognize Councilman Nelson for being elected as the president of the California Special Districts Association.

Mayor Fascenelli opened public comments.

Wayne Silzel, Villa Park resident, congratulated Councilman Nelson on his appointment. He encouraged the rest of the city council to build relationships with other cities in the area as well.

Dr. Robert Helton, Villa Park resident, congratulated Councilman Nelson.

Mayor Fascenelli closed public comments.

Councilman Barnett commended Councilman Nelson for taking the time to serve on the board and congratulated him on his appointment. He did not agree with the proposed resolution since it would set a precedence in the future to have council members who serve on boards and committees to receive one.

Mayor Pro Tem Mills said proclamations, not resolutions, are usually done at the end of the committee members' service.

A motion was made by Councilman Collacott, and seconded by Councilman Nelson to adopt Resolution No. 2015-3345.

AYES: Collacott

NOES: Barnett, Mills and Fascenelli

ABSENT: None

ABSTAIN: Nelson

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

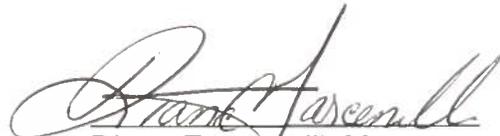
Councilman Mills attended several sanitation district meetings. He, along with Councilman Collacott, attended a sanitation district meeting breakfast. Currently, they are discussing the planning session for the five-year plan. Councilman Mills will be attending a sanitation district board meeting tomorrow. He spoke about the vector control mosquito discussion and commended them for getting the word out in the newspapers.

Mayor Fascenelli announced a proclamation recognizing November 13, 2015 as World Pancreatic Cancer Day in Villa Park.

Mayor Fascenelli traveled to San Jose for the League of California Cities conference where she attended several symposiums including one on animal control and another on public records. Mayor Fascenelli spoke about the Halloween Fest on Friday and Serrano Elementary School's carnival the same day.

ADJOURNMENT

The City Council adjourned at 10:22 p.m. The next regular meeting will be held on Tuesday, November 17, 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.