

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

**November 17, 2015  
Regular Meeting**

**CLOSED SESSION**  
5:30 p.m. – City Council Chambers

**ROLL CALL** - Mayor Fascenelli called the Closed Session to order at 5:30 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Nelson, Mills and Fascenelli

ABSENT: None

1. Public Employment Pursuant to Government Code Section 54957.  
Title: City Manager
2. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6.

**ADJOURNMENT** – at 6:00 p.m.

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

**ROLL CALL** - Mayor Fascenelli called the General Session to order at 6:30 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Mills, Nelson and Fascenelli

ABSENT: None

**PLEDGE OF ALLEGIANCE TO THE FLAG** – Councilman Collacott

## **PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS**

- Orange County Fire Authority update
- Orange County Sheriff's Department update
- Villa Park Foundation/Boat Parade Committee

## **ORAL COMMUNICATIONS**

Mayor Fascenelli opened public comments.

Vince Rossini, Villa Park resident, gave an update on the Law Enforcement Advisory Committee (LEAC). He spoke about the neighborhood watch program and the professional services responder program. In addition, the Sheriff's department will host a volunteer recruitment event on November 21. LEAC has reached out to local law enforcement for assistance and has a recommendation to accept a loner license plate reader. Mr. Rossini talked about a resident who made a monetary donation for the purchase of a used patrol car. The committee has asked for additional law enforcement to be present during school days and hours.

Ellen Kincaid, Villa Park resident, expressed concerns with a nuisance neighbor and asked the City Council for assistance. She has been in contact with the City Manager and the Sheriff's department. Mayor Fascenelli replied the next step would be to have this issue brought forward to the Community Development Committee. She suggested having other neighbors, who have complaints about the tenants, come forward as well.

Jim Warden, Villa Park resident, spoke about the late health plan premium payments made by Mayor Fascenelli. He felt this was a violation of public trust and suggested Mayor Fascenelli resign from her position on the Budget and Finance Committee.

Mary Beth Felcyn, Villa Park resident, expressed concern with the loose management of city finances. She recommended a special City Council meeting be held to discuss this issue and to allow public comments.

Donna Buxton, Villa Park resident, read a letter on behalf of Villa Park resident Marilyn Bailey. In the letter, Ms. Bailey expressed concern there was an ethical violation made when Mayor Fascenelli paid her health insurance premium late, and that she should resign from her position immediately.

Ms. Buxton stated Mayor Fascenelli has shown a lack of ethics and spoke about negative experiences she has had with her when working on city issues. She suggested Mayor Fascenelli vacate her seat.

Karen Goldberg, Villa Park resident, stated items on the city council agenda should represent citywide issues. She spoke about issues with the state of the local school bathrooms. Ms. Goldberg said the health insurance premium fees has been paid and is resolved.

Sandra Murg, Villa Park resident, inquired who pays the bills for the city.

General Barry, Villa Park resident, spoke in opposition of using taxpayers dollars to cover health insurance premiums for previous and current city council members.

Deborah Pauly, Villa Park resident, expressed concern with the city covering unpaid health insurance premiums for several months. Ms. Pauly addressed Councilman Barnett not bringing this item to light while sitting on the Budget and Finance Committee. She suggested Councilman Nelson replace them on this committee. Ms. Pauly spoke about an administrative clerk placed on administrative leave to what she believes because of this issue. She stated Mayor Fascenelli is taking advantage of her position and that the wrong person is being punished.

Vincent Sanchez, presented a certificate on behalf Congressman Mimi Walters' office and State Senator John Moorlach office, to congratulate Councilman Nelson appointment of President on the California Special Districts Association.

Mayor Fascenelli closed public comments.

## **PUBLIC HEARINGS**

### **3. Waive reading in full of all ordinances and resolution on the agenda.**

A motion was made by Mayor Pro Tem Mills, seconded by Councilman Barnett, 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

### **4. Consideration of Variance Permit No. 0769 at 18592 Mendocino Circle. Applicant: Mr. Robin Singh.**

Planning Manager Ray Pascua gave the staff report. He stated the city received a letter with three residents in opposition of the proposed project. In addition, the applicant Mr. Singh provided a letter with three owners in support. City Manager Hildenbrand relayed one resident signed the letters both in favor and opposition of the project.

Councilman Collacott stated the Community Development Committee's approval is based on the support of the residents near the project.

Applicant Mr. Singh spoke about keeping his family safe and secure and that raising the height of the pillars would help.

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

Councilman Collacott suggested speaking with the residents who live adjacent to this property to come up with a solution that is mutually agreeable.

A motion was made by Mayor Fascenelli, second by Councilman Nelson, and approved by the following roll call vote, to approve Variance No. 0769, subject to the conditions of approval contained in Resolution No. 2015-3345.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

5. [Consideration of Ordinance No. 2015-596 amending Chapter XXIV of the Villa Park Municipal Code regarding Water Efficient Landscape.](#)

City Manager Hildenbrand gave the staff report.

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

A motion was made by Mayor Pro Tem Mills, seconded by Councilman Nelson, and approved by the following roll call vote, to approve the first reading of Ordinance No. 2015-596, and set December 15, 2015, as a second reading and adoption.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

**CONSENT CALENDAR (ITEMS #6-15)**

Councilman Barnett removed Item 10, Request approval of City Council Minutes of October 27, 2015; and Item 12, Second reading of Ordinance No. 2015-595 amending

several sections of the Villa Park Municipal Code regarding Lapse of Variance or Conditional Use Permit, Preparation of Ordinances, and Traffic Safety Committee.

Councilman Nelson removed Item 15, Award of Contract - Storm Drain Master Plan Update.

A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote, to approve Consent Calendar Items 6-9, 11,13 & 14.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

6. [Warrants and disbursements from October 17, 2015 through November 6, 2015.](#)

Action: Approved warrants and disbursements in the amount of \$195,056.96.

7. [Financial Treasurer's Report for the month of September, 2015.](#)

Action: Received and filed.

8. [Financial Treasurer's Report for the month of October, 2015.](#)

Action: Received and filed.

9. [Monthly Financial and Capital Project Status reports.](#)

Action: Received and filed.

11. [Villa Park Crime Analysis Report for the month of October, 2015.](#)

Action: Received and filed.

13. [Notice of Completion - Catch Basin Debris Screen Installation Project Phase II.](#)

Action: Accept the project from BIO Clean Environmental Services and authorized the City Clerk to file and record the notice of completion.

**14. Orange County Flood Control Project Nominations.**

Action: Authorized staff to nominate projects as stated in the staff report.

**PULLED ITEMS**

**10. Request approval of City Council Minutes of October 27, 2015.**

Councilman Barnett spoke about his comments made on the top of page 5, saying it should read: "prepared or reviewed by the City Attorney".

A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote, to approve the City Council Minutes of October 27, 2015 with the changes above.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

**12. Second reading of Ordinance No. 2015-595 amending several sections of the Villa Park Municipal Code regarding Lapse of Variance or Conditional Use Permit, Preparation of Ordinances, and Traffic Safety Committee.**

Councilman Barnett inquired if the ordinance reflects the correction as stated in the minutes from the October 2015 meeting. City Manager Hildenbrand replied that it does reflect the changes.

Mayor Pro Tem Mills requested on the third paragraph, under number item two, it should read: "Committee has 180 days".

A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote, to approve the second reading and adopt Ordinance No. 2015-595 with the changes reflected above.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

**15. Award of Contract - Storm Drain Master Plan Update.**

Councilman Nelson asked why the funds were not removed from the contingency fund. City Manager Hildenbrand replied it would deplete the contingency fund. Councilman Nelson stated funds could be transferred to replenish it.

Councilman Barnett asked if it is standard verbiage in the contract to have so much flexibility with a consultant to terminate their contract with the city. City Manager replied it is standard verbiage in the contract. Councilman Barnett stated it is unusual for the city to allow the contractor to walk out without any penalties for it.

City Attorney Megan Garibaldi said the general idea is that the consultant would not walk away from the contract. She stated the City Council could approve the contract with the removal of Section 8.2 and bring it back.

A motion was made by Councilman Nelson, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote, to award the contract to CNC Engineering, in an amount not to exceed \$60,810, and authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and to direct staff to make the proposed changes and revise the standard contract.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

**MAYOR AND COUNCIL MEMBER MATTERS**

**16. Villa Park Community Emergency Response Team (CERT) Program.**

Mayor Fascenelli announced Volunteer Coordinator Pete Monarty resigned from his position. She would like to open up this position to the public.

Mr. Monarty spoke about the CERT program. He talked about merging this program with the boy scout training program. Mr. Monarty made a recommendation to the City Council and has a complete archive of information that will be passed onto the new administration. Mayor Fascenelli thanked him for all his hard work.

**17. Councilmember Requested Matter (Collacott): Health Payment Reimbursement Policy.**

Councilman Collacott spoke about the new staff procedure City Manager Hildenbrand created for the cancelation of health insurance coverage if payments are made late. Councilman Collacott said there is verbiage included that if someone has an unusual circumstance, and are not able to make the payment on time, they could go to the Human Resources Committee and a decision can be made then.

Councilman Barnett suggested if payments are not made within the first 15 days, a note should be sent to the policyholder along with a small fee. Then if the payment is not made after 30 days, an additional late fee should be given, along with termination of the policy. Then, if the policyholder would want to be reinstated, an additional \$500 fee would be added and increased anytime after that.

Councilman Nelson stated once a person is terminated from the policy, they are not allowed to join again until the next enrollment period. Councilman Barnett suggested a penalty be placed if they would want to join again at the next enrollment period.

City Manager Hildenbrand said he does not know what the penalty is if the city does not pay the premium to the health insurance company on time. He will look into this.

City Manager Hildenbrand said a 10% penalty could be charged by 15 days, and then cancelled at 30 days.

Councilman Barnett stated a grace period is needed.

City Manager Hildenbrand stated there is a statement written on the invoice that says if the payment is not made by the 15<sup>th</sup>, a 10% penalty will be incurred.

Mayor Pro Tem Mills stated previous councilmembers need to be considered in the decision made on this item. He said it is important to be sensitive to each person's issue and there needs to be some flexibility.

Councilman Nelson said if there is concern about time, then provide a grace period of ten days or two weeks.

Mayor Fascenelli opened public comments.

Karen Goldberg, Villa Park resident, said there are federal and state guidelines when removing someone from their insurance. She said the city could be sued if it is done incorrectly. Ms. Goldberg thanked Mayor Fascenelli for her professionalism on the City Council.

Deborah Pauly, Villa Park resident, thanked Councilman Collacott for bringing this item forward. She said it is appropriate to have a council policy. Ms. Pauly said there would not be a lawsuit if the premiums were not paid.

Donna Buxton, Villa Park resident, spoke about how the lapse of health insurance works. She suggested payment be made a month in advanced.

Mayor Fascenelli closed public comments.

Mayor Fascenelli suggested taking this item to the City Attorney to look at and write up a policy to be brought back to the City Council next month.

Councilman Barnett spoke in opposition of public comments made by previous Ms. Pauly.

Mayor Pro Tem Mills commented on the dynamics of the city council members.

A motion was made Mayor Pro Tem Mills, seconded by Councilman Collacott, and approved by the following roll call vote, to direct staff to put a policy in place and bring it back to the next city council meeting.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

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

Mayor Pro Tem Mills attended an Orange County Sanitation District administrative meeting. He will be attending a Vector Control meeting as well as a Sanitation District meeting later this month.

Councilman Collacott spoke about a recent LEAC meeting where they discussed recruiting additional law enforcement help during school hours. He attended an Association of California Counties meeting on Thursday, and was able to speak with the City of Stanton's City Manager and Mayor about working with them to share their motorcycle policeman. He passed the information along to City Manager Hildenbrand.

Councilman Barnett relayed the Fire Authority is still in union negotiations.

Mayor Fascenelli stated the Serrano Water Board meeting date was changed and she was not able to attend. She announced there was a resignation on the board. Mayor Fascenelli has been receiving emails and phone calls from school parents regarding the lack of a school committee meeting and an issue they would like to place on the agenda. The item they would like to discuss is drugs and students off-campus.

Councilman Nelson replied a school committee meeting was conducted last month. Mayor Fascenelli asked that this issue be placed on the next agenda for the school committee meeting.

Mayor Fascenelli spoke about the flu shot clinic at City Hall and thanked the two volunteer nurses who administered 160 flu shots.

**19. Election of Mayor and Mayor Pro Tem.**

City Manager Hildenbrand gave the staff report. Currently, the City Council Policy Manual reflects reorganization taking place in November and installation in January. He is recommending moving forward with this procedure. The alternative is to amend the City Council Policy Manual with the current practice of holding reorganization in December and announcing the committee assignments in January. City Manager Hildenbrand relayed there could be an issue during an election year where reorganization will take place at the meeting when the election will take place.

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

Councilman Barnett suggested conforming the currently policy with the current practice.

Councilman Nelson did not have a preference as long as it follows the policy.

A motion was made by Mayor Fascenelli, seconded by Councilman Nelson, and approved by the following roll call vote, to keep the election of Mayor and Mayor Pro Tem as is and reflect the correction on the City Council Policy Manual, and bring it back to the City Council for approval.

AYES: Barnett, Collacott, Mills, Nelson and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

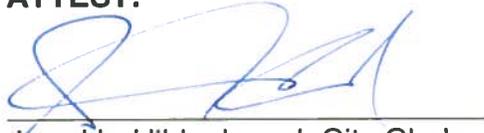
**ADJOURNMENT**

The City Council adjourned at 8:34 p.m. The next regular meeting will be held on Tuesday, December 15, 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.