

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

June 25, 2013
Regular Meeting

<p>GENERAL SESSION 7:00 p.m. – City Council Chambers</p>

ROLL CALL - Mayor Reese called the General Session to order at 7:00 p.m.

COUNCILMEMBERS

PRESENT: Mills, Fascenelli, Reese, Barnett, Pauly

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – led by Councilwoman Diana Fascenelli

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Red Shirt Fridays in Villa Park
- Southern California Edison's Summer Readiness
- Friends of the Villa Park Library update
- Orange County Fire Authority update
- Orange County Sheriff's Department update

ORAL COMMUNICATIONS

Mike Fris, 10512 Center Drive, spoke in opposition to the project at 10532 Center Drive as it does not fit the character of the neighborhood.

James Brown, 18552 Mendocino Circle, spoke with regards to Edison's update and the closing of SONGS.

Wayne Silzel, 18202 Montana Circle, mentioned the vacant lot at 10532 Center Drive is overgrown and needs to be trimmed.

Larry Rolison, 9491 Henderson Way, spoke with regards to Edison's update and the closing of SONGS.

PUBLIC HEARINGS

1. [Consideration of Conditional Use Permit No. 0743: a request to construct a new two-story single family home with a building height in excess of 25-feet; Conditional Use Permit No. 0744: a request to construct a new garage with more than three \(3\) spaces; and Conditional Use Permit No. 0745: a request to construct a new single family home with a floor area ratio in excess of 32%. Location: 18552 Valley Drive. Applicant: Mr. Raul Torres. \(Continued from May 28, 2013\).](#)

Planning Manager Jennifer Lilley presented the staff report.

Mayor Reese opened the public hearing.

Larry Rolison, 9491 Henderson, spoke in opposition to the project noting concern with the slope of the rear yard and the impact improving the site will have on his property.

Gloria Churney, 18532 Valley Drive, spoke in opposition to the project noting concern with noise associated from the sport court.

Fred Figueroa, architect for the project, submitted the proposed landscape plan for the property.

With no one else wishing to speak, Mayor Reese closed the public hearing.

City Council discussion ensued.

It was moved by Councilmember Mills, seconded by Councilmember Fascenelli and carried by the following roll call vote to adopt Resolution No. 2013-3242, approving Conditional Use Permit No. 0743, Conditional Use Permit No. 0744 and Conditional Use Permit No. 0745:

AYES: COUNCILMEMBERS: Mills, Fascenelli, Pauly, Barnett, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

2. [Second reading of Ordinance No. 2013-576, an Ordinance of the City Council of the City of Villa Park, California, amending Article 23-7 and 23-15, 23-15.6 of the Villa Park Municipal Code relating to C-N Commercial Neighborhood Zone and off-street parking regulations.](#)

Planning Manager Jennifer Lilley presented the staff report.

Mayor Reese opened the public hearing.

Mary Silzel, 18202 Montana Circle, commented that the Towne Centre and Commercial Zone should reflect the needs and uses of Villa Park residents.

With no one else wishing to speak, Mayor Reese closed the public hearing.

City Council discussion ensued.

It was moved by Councilmember Mills, seconded by Councilmember Fascenelli and carried by the following roll call vote to approve a second reading and adopt Ordinance No. 2013-576:

AYES: COUNCILMEMBERS: Mills, Fascenelli, Pauly, Barnett, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

3. [Consideration of Conditional Use Permit No. 0746: a request to extend the hours of operation for Rockwell's and The Post to Sunday through Thursday until 12:00 a.m., and Friday and Saturday until 2:00 a.m. Location: 17853 Santiago Boulevard, #109. Applicant: Mr. William Skeffington.](#)

Planning Manager Jennifer Lilley presented the staff report.

Mayor Reese opened the public hearing.

The following individuals spoke in favor of extended hours for Rockwell's and The Post:

- Jaime Kingsman, GM for The Post
- Diana Cronin, Featherhill Drive
- Tim Cronin, Featherhill Drive
- Chaz McKinney, Defense International, Rockwell's private security
- Lexi Brown, Rockwell's employee
- Brian Pickler, 9842 Ludwig Street
- Michelle Weisenberg, Orange resident
- Kay ____, Villa Park resident, active police officer
- Laurie Skeffington, applicant
- Cristie Filer, owner of The Green Pear

- Leon Alexander, Orange resident
- Daniel Wexler, Costa Mesa resident
- Julie Pettis, Rockwell's employee
- Erik Kuli, El Rito Drive
- Russell Hullinger, 18911 El Morrow
- Dean Hall, 9662 Janice Circle
- Bill Langstaff, Villa Park Dentist
- James Brown, 18552 Mendocino Circle
- Billy Skeffington, applicant

The following individuals spoke in opposition to extended hours for Rockwell's and The Post:

- Mike Wesner, 17841 Bishop Circle
- Dave Wallace, 17872 Bishop Circle
- Susan Naber, 17882 Bishop Circle
- Janice Wallace, 17872 Bishop Circle

Mayor Reese closed the public hearing.

CITY COUNCIL PAUSED FOR A 5 MINUTE RECESS

City Council discussion ensued and the following consensus was reached with regards to conditions of approval.

1. No exterior amplified music, live entertainment or other entertainment activities are allowed at this time after 10:00 p.m.
2. No outdoor seating or service of food or beverages on the patio area allowed after 12:00 am. All guests shall exit the patio area immediately at 12:00 am
3. No guest shall be allowed to enter the restaurant or bar after 12:00 am.
4. No food or beverage service shall be allowed after 12:00 am. No new orders shall be taken or served after 12:00 am. Guests will be allowed to finish their meal or beverage within a reasonable time but in no case shall any guest be allowed to be on the property after 12:30 am.
5. The owner shall be allowed four (4) special events a year, during City special events/holidays where late hours are expected and anticipated in the Towne Centre (i.e. the Boat Parade, New Year's Eve, and similar nights), that the bar and restaurant would be allowed to stay open until 2:00 am. These events must be submitted in advance and approved by the City Manager.
6. The owner shall provide enforcement of the property and adjacent parking areas to ensure that patrons do not loiter near the parking areas adjacent to the residential neighborhood.
7. The owner shall post notification within the establishment, the content and location subject to the review and approval of the City Manager, requesting patrons respect the neighbors by not creating undue noise or nuisance when leaving the property.

8. The City Council will review the request within 6 months and determine if additional conditions are necessary to improve compatibility with the neighbors. This permit shall expire after 6 months unless at this review hearing the Council authorizes the continuation of the permit.

It was moved by Councilmember Fascenelli, seconded by Councilmember Mills and carried by the following roll call vote to adopt Resolution No. 2013-3248 approving Conditional Use Permit No. 0746 subject to the conditions of approval:

AYES: COUNCILMEMBERS: Fascenelli, Mills, Pauly, Barnett, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

4. [Consideration of Conditional Use Permit No. 0747: a request to allow the construction and operation of a new bank, including financial services. Conditional Use Permit No. 0748: a request to allow 24 hour service for the ATM machines associated with the new bank facility. Conditional Use Permit No. 0749: a request to allow a drive thru feature for vehicular accessible ATM in conjunction with a new bank facility. Location: 17771 Santiago Boulevard. Applicant: JP Morgan, CHASE Bank. Property Owner: Mr. David Gayl.](#)

Planning Manager Jennifer Lilley presented the staff report.

Mayor Reese opened the public hearing.

Charlie Arbing, CHASE Bank, spoke in favor of the application.

Chip Williams, architect, presented the renderings of the project.

James Brown, 18552 Mendicino Circle, spoke in opposition to a 4th bank in the Towne Centre.

Teri Elmendorf, 10291 Camden Circle, spoke in opposition to a 4th bank in the Towne Centre.

Wayne Silzel, 18202 Montana Circle, spoke in favor of property rights and mentioned a gas/service station will no longer survive in Villa Park.

Sarah Gayl, applicant, spoke in favor of the application.

City Council discussion ensued.

It was moved by Councilmember Pauly, seconded by Councilmember Mills and carried by the following roll call vote to continue the hearing to the July meeting:

AYES: COUNCILMEMBERS: Pauly, Mills, Fascenelli, Barnett, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

5. [Consideration of the Fiscal Year 2013-14 Operating Budget and Seven Year Capital Improvement Program, appropriating revenue and establishing the appropriations limit for Fiscal Year 2013-14, and adopting resolutions regarding salaries and benefits.](#)

Finance Director Michelle Danaher presented the staff report.

Mayor Reese opened the public hearing and with no one wishing to speak he closed the public hearing.

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by the following roll call vote to adopt Resolution 2013-3244, a Resolution of the City Council of the City of Villa Park adopting the Budget, appropriating revenue and establishing the appropriations limit for Fiscal Year 2013-14; and adopt Resolution 2013-3246, a Resolution of the City Council of the City of Villa Park adopting employer paid member contributions; and adopt Resolution 2013-3247, a Resolution of the City Council of the City of Villa Park establishing salary and benefit rates for all classes of employment and superseding Resolution No. 2012-3201.

AYES: COUNCILMEMBERS: Pauly, Reese, Mills, Fascenelli, Barnett

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

6. [Adoption of Sycamore Circle sewer pump station maintenance charges for a portion of Tract Number 10523 and Tract Number 13204 and providing for collection of charges on the tax roll.](#)

City Engineer Akram HindiyeH presented the staff report.

Mayor Reese opened the public hearing and with no one wishing to speak he closed the public hearing.

It was moved by Mayor Pro Tem Barnett, seconded by Councilmember Mills and carried by the following roll call vote to introduce Ordinance No. 2013-578 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VILLA PARK, APPROVING AND ADOPTING THE ENGINEER'S REPORT FOR SYCAMORE SEWER PUMP STATION MAINTENANCE CHARGES FOR A PORTION OF TRACT NUMBER 10523 AND TRACT NUMBER 13204, PRESCRIBING AND LEVYING CHARGES, AND PROVIDING FOR COLLECTION OF CHARGES ON THE TAX ROLL.":

AYES: COUNCILMEMBERS: Barnett, Mills, Fascenelli, Pauly, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

7. [Consideration of Resolution No. 2013-3243 establishing a master fee schedule for the services rendered by City departments and rescinding Resolution No. 2011-3161.](#)

City Manager Jarad Hildenbrand presented the report.

Mayor Reese opened the public hearing and with no one wishing to speak he closed the public hearing.

Councilmember Pauly specifically noted for the record that her AYE vote was subject to proposed adjustments to the City's residential code with regards to Conditional Use Permit requirements. City staff confirmed proposed adjustments will be brought forward at the August meeting.

It was moved by Councilmember Mills, seconded by Mayor Pro Tem Barnett and carried by the following roll call vote to adopt Resolution No. 2013-3243:

AYES: COUNCILMEMBERS: Mills, Barnett, Fascenelli, Pauly, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

CONSENT CALENDAR (ITEMS #8-13)

It was moved by Mayor Pro Tem Barnett, seconded by Councilmember Mills and carried by the following roll call vote to approve the Consent Calendar:

AYES: COUNCILMEMBERS: Barnett, Mills, Fascenelli, Pauly, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

8. [Warrants and disbursements from May 11 through June 10, 2013.](#)

ACTION: Approve warrants and disbursements in the amount of \$324,712.65.

9. [Financial Treasurer's Report for the month of May.](#)

ACTION: Receive and file.

10. [Request approval of City Council minutes of April 23 and 30, 2013.](#)

ACTION: Approve.

11. [Legal services and fees for FY 2013-2014.](#)

ACTION: Approve the proposed retainer rate of \$3,700 per month until terminated or otherwise modified.

12. [Notice to withdraw application for Conditional Use Permit No. 0741 at 10532 Center Drive. Applicant: Mr. and Mrs. Ho. \(Continued from May 28, 2013\).](#)

ACTION: Receive and file.

13. [Renewed Measure M Annual Funding Eligibility – Fiscal Year 13/14.](#)

ACTION: That the City Council:

1. Approve the Seven-Year Capital Improvement Program;
2. Adopt Resolution No. 2013-3245;
3. Authorize Staff to submit Measure M2 funding eligibility requirements on behalf of the City of Villa Park in order to continue to receive Measure M2 funds; and

4. Authorize Staff to submit Congestion Management Program eligibility requirements on behalf of the City of Villa Park in order to continue to receive Proposition 111 funds.

MAYOR AND COUNCILMEMBER MATTERS

14. [Councilmember requested matter \(Fascenelli\): Consideration of financial audit options for the Villa Park Community Services Foundation.](#)

Councilmember Fascenelli mentioned that at the last Foundation meeting, Treasurer Bill Nelson requested an audit but it was denied by the Board. Councilmember Fascenelli then stated Council should require an audit of the Foundation.

Foundation Treasurer Bill Nelson stated there was a misunderstanding and he was directed to seek proposals for an audit which he will present to the Board at the next Foundation meeting.

City Council tabled the matter pending Foundation action.

15. [Councilmember requested matter \(Pauly\): Discussion regarding the Rio Santiago project in the City of Orange.](#)

Councilmember Pauly spoke in opposition to the project noting the deadline to submit comments to the Draft Environmental Impact Report is July 1. The project will have a great impact to the City of Villa Park and Council should send a letter voicing its opposition and concerns with the project.

City Manager Hildenbrand stated planning staff is drafting a response to the DEIR which will be distributed once finalized.

16. [Councilmember requested matter \(Barnett\): Consideration of Legislative Platform.](#)

Given the late hour, Mayor Pro Tem Barnett continued the matter.

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

Councilmember Fascenelli commented on the length of recent Council meetings.

Councilmember Mills reported on the Orange County Vector Control District Board meeting.

ADJOURNMENT

The City Council adjourned at 1:11 a.m. The next Regular meeting will be held on Tuesday, July 23, 2013 at 7:00 p.m.

Brad Reese, 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.