

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park, California convened January 27, 2009 at 6:30 p.m. in a Regular Meeting in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER Mayor Rheins called the meeting to order at 6:30 p.m.

ROLL CALL

COUNCILMEMBERS PRESENT

James Rheins	Mayor
Bill Mac Aloney	Mayor Pro Tem
Deborah Pauly	Councilmember
Brad Reese	Councilmember
W. Richard Ulmer	Councilmember

STAFF PRESENT

Don Powell	Interim City Manager
Todd Litfin	City Attorney
Joe O'Neil	City Engineer
Jason Carson	Associate Planner
Jarad Hildenbrand	Assistant City Manager / Deputy City Clerk
Michele Danaher	Finance Manager
Jorge Garcia	Management Assistant

FLAG SALUTE led by Tommy Potter and Isabella Jackson from Villa Park Elementary School.

INTRODUCTIONS AND PRESENTATIONS

- Academic Achievement Award to Ethan Friederich from Cerro Villa Middle School.
- Proclamation in Appreciation of Mr. Aalam Sadeghi.
- State of the Schools – Villa Park High School.
- Orange County Local Agency Formation Commission – Assistant Executive Officer Bob Aldrich.
- Representative from the Villa Park Community Services Foundation.
- Law Enforcement Issues - Chief of Police Services Lt. Tom Gallivan.
- Presentation of the 2008 Community Survey Results – Management Assistant Jorge Garcia.

ORAL COMMUNICATIONS

YMCA of Orange Longhouse Chief Big Blue Thunder accompanied by his Little Princess Dancing Heart and Little Brave Little Blue Thunder, and Longhouse Medicine Man Growing Stone along with his Little Princess Shining Moon and Little Brave Fire Lizard invited the City Council to YMCA's Annual Indy 500 Pine Wood Derby.

Don Arrington of Villa Park Fire Station No. 23 spoke in favor of the reserve program.

Teri Elmendorf, 10291 Camden Circle, announced a special meeting of the Villa Park Cable Access Board to be held April 9, 2009 at 7:00 p.m.

Linda Bartram, 18521 Jocotal Avenue, addressed Management Assistant Garcia's presentation.

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit No. 0690, for a Large Family Day Care Home. Location: 17742 Bishop Circle. Applicant: Ali Assadzadeh.

Mayor Rheins opened the public hearing.

The following individuals spoke in opposition to the large family dare care home: Dave Wallace, Marlo Maylor, Warren Levy, Sherry Dickson, and Nancy Ryan.

The applicant spoke in favor of the project.

Mayor Rheins closed the public hearing.

It was moved by Mayor Rheins to conduct a traffic survey and continue the item to the February 24, 2009 meeting. With no second, the motion did not carry.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Pauly and carried by the following roll call vote to deny Conditional Use Permit No. 0690:

AYES:	COUNCILMEMBERS:	Mac Aloney, Pauly, Reese, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

2. Consideration of Variance Permit No. 0691, a Request to Exceed the 42" Fence Height Limit within the Front Yard Setback. Location: 9621 Loma Street. Applicant: James Kim.

Mayor Rheins opened the public hearing.

Peter Deusberg, construction manager, spoke in favor of the project.

Mayor Rheins closed the public hearing.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to continue the item to the February 24, 2009 meeting and send the application to the Community Development Committee for review:

AYES:	COUNCILMEMBERS:	Pauly, Ulmer, Reese, Mac Aloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

FISCAL YEAR 2008-09 MID-YEAR BUDGET REVIEW

3. Consideration of Mid-year Budget Review.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Mac Aloney and carried by the following roll call vote to adopt Resolution No. 2009-3050, authorizing an amendment to the budget for FY 2008-2009:

AYES:	COUNCILMEMBERS:	Pauly, Mac Aloney, Reese, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

CONSENT CALENDAR

Mayor Pro Tem Mac Aloney abstained from Items No. 5.

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

AYES:	COUNCILMEMBERS:	Ulmer, Mac Aloney, Pauly, Reese, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

The Consent Calendar consisted of the following items:

4. Consideration to Waive Reading in Full of all Ordinances on the Agenda. Approved Action: That the City Council Waive Reading in Full of all Ordinances on the Agenda.
5. Consideration of City Council Minutes of January 6, 2009. Approved Action: That the City Council Approve the Minutes of January 6, 2009.
6. Consideration of Financial Activity from December 11, 2008 through January 9, 2009. Approved Action: That the City Council Approve the Financial Activity in the total Amount of \$1,050,488.46.
7. Consideration of Treasurer's Report for the Month of December. Approved Action: That the City Council Receive and File the Treasurer's Report.

8. Consideration of Refund Amount for Candidate Statements. Approved Action: That the City Council Approve the Refund in the Amount of \$748.00 to Each Candidate in the 2008 General Municipal Election.
9. Consideration of Code Enforcement Report for the Month of January. Approved Action: That the City Council Receive and File the Code Enforcement Report.
10. Consideration of Second Quarter Financial Report, Period Ending December 31, 2008. Approved Action: That the City Council Receive and File the Quarterly Report.
11. Consideration of Extension of Time – Tentative Parcel Map No. 2006-299 Location: 19022 Cerro Villa Drive. Approved Action: That the City Council Grant a Two Year Extension, Until April 24, 2011.
12. Consideration of Extension of Time – Conditional Use Permit No. 0674. Location: 9611 Brynmar Drive. Applicant: Donald MacGinnis. Approved Action: That the City Council Grant a One Year Extension, Until January 28, 2010, at Which Time Building Permits Must be Pulled.
13. Consideration of Resolution No. 2009-3048 Making the First Amendment to Resolution No. 2008-3016 Regarding Employment and Salary Rates for All Classes of Employment. Approved Action: That the City Council Adopt Resolution No. 2009-3048 and Appropriate \$5,333.35 for the Remainder of Fiscal Year 2008-09.
14. Consideration of Resolution No. 2009-3049, Determining that the Cannon Street Wall Project will not have a Significant Adverse Effect on the Environment and Authorizing the Interim City Manager to File a Notice of Exemption. Approved Action: That the City Council Adopt Resolution No. 2009-3049.

ITEMS FOR CONSIDERATION

15. Consideration of Renewal of Orange County Fire Authority (OCFA) Joint Powers Authority Agreement.

It was moved by Councilmember Reese, seconded by Councilmember Ulmer and carried by a unanimous voice vote to return to Council by September 2009 when a permanent City Manager has been appointed.

16. Consideration of Villa Park Emergency Operations Plan.

Neal Young, 9682 Crestview, sought clarification relative to CERT activation.

It was moved by Councilmember Ulmer, seconded by Councilmember Pauly and carried by the following roll call vote to: approve Resolution 2009-3046, adopting the City of Villa Park's Emergency Operations Plan; authorize the Mayor to sign the Letter of Promulgation; authorize

the City Manager, or designee, to submit the Emergency Operations Plan for acceptance with the State Office of Emergency Services.

AYES: COUNCILMEMBERS: Ulmer, Pauly, Reese, Mac Aloney, Rheins
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

RECESS

17. Consideration of Ad Hoc Committee to Refurbish Council Chambers.

It was moved by Mayor Rheins and carried by a unanimous voice vote to authorize the development of an ad hoc Council Chambers Improvement Committee.

18. Consideration of an Administrative Policy Adopting Creating a Staff Design Review Committee.

It was moved by Councilmember Pauly, seconded by Councilmember Reese and carried by the following roll call vote to adopt the administrative policy creating a Staff Design Review Committee:

AYES: COUNCILMEMBERS: Pauly, Reese, Ulmer, Mac Aloney, Rheins
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

19. Consideration of Authorization to Commence Enforcement of Street Sweeping.

Neal Young, 9682 Crestview, spoke in opposition to street sweeping enforcement.

Teri Elmendorf, 10291 Camden, spoke in opposition to street sweeping enforcement.

It was moved by Councilmember Reese, seconded by Mayor Rheins and failed by the following roll call vote to XXXX:

AYES: COUNCILMEMBERS: Reese, Rheins
NOES: COUNCILMEMBERS: Pauly, Ulmer, Mac Aloney
ABSENT: COUNCILMEMBERS: None

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to continue the item to the February 24, 2009 meeting for possible deletion:

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese, Mac Aloney, Rheins
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

20. Consideration of Office Space Remodeling at City Hall.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Pauly and carried by the following roll call vote to authorize the City Manager, or designee, to enter into contracts with vendors for the sole purpose of remodeling City Hall:

AYES:	COUNCILMEMBERS:	Mac Aloney, Pauly, Reese, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

COUNCILMEMBER COMMUNICATIONS

Councilmember Pauly reported on the Serrano Water District and Technology Committee meetings.

Councilmember Reese reported on the Orange County Fire Authority, Orange County Sanitation District, and City/Schools Advisory Committee meetings.

Mayor Pro Tem Mac Aloney reported on the Finance & Budget Committee and Villa Park Cable Access Television Board meetings.

Mayor Rheins reported on the Orange County Vector Control Board meeting.

21. Meeting Attendance Reports.

Mayor Rheins reported on the League of California Cities, Orange County Division general meeting.

Councilwoman Pauly reported on the policy advisory meeting she attended in Sacramento, CA.

22. Individual Councilmember Items.

No items.

STAFF REPORTS

City Manager

No Report.

City Attorney

No Report.

City Engineer

No Report.

Planning Department

No Report.

Finance Department

No Report.

City Clerk

No Report.

ORDINANCES

23. Consideration of Ordinance No. 2009-538, An Ordinance of the City Council of the City of Villa Park Adding Chapter 23-25 to the Villa Park Municipal Code Relating to General Fencing Requirements.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Reese and carried by a voice vote to continue the item to the February 24, 2009 meeting.

RESOLUTIONS

24. Consideration of Resolution No. 2009-3047 Adopting by Reference the "Local Government Records Management Guidelines" as the City's Official Records Retention Schedule, as Amended from Time to Time by the Secretary of State, and Designating the City Clerk as Records Management Coordinator.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by a voice vote to continue the item to the February 24, 2009 meeting.

25. Consideration of Resolution No. 2009-3048, Declaring Intent to Conduct a Public Hearing on Conditions Present at 9765 Crestview Circle, Villa Park, California to Determine Whether Such Conditions Constitute a Public Nuisance.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Mac Aloney and carried by the following roll call vote to adopt Resolution No. 2009-3048 and schedule a Public Hearing for February 24, 2009 to review evidence for declaring 9765 Crestview Circle a public nuisance:

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese, Mac Aloney, Rheins

NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

ORAL COMMUNICATIONS

None.

CLOSED SESSION

26. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Section 54956.9: two potential cases.

City Attorney Litfin reported the Villa Park City Council returned from Closed Session with no reportable action.

ADJOURNMENT

It was moved by Mayor Rheins and carried unanimously to adjourn the meeting at 11:51 p.m.

James Rheins, Mayor
City of Villa Park

ATTEST:

Jarad Hildenbrand, Deputy City Clerk
City of Villa Park