

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

SEPTEMBER 28, 2010

CLOSED SESSION

6:30 p.m. – City Council Chambers/Conference Room

ROLL CALL Mayor MacAloney called the Closed Session to order at 6:30 p.m.

COUNCILMEMBERS

PRESENT: Pauly, Rheins, Reese, Ulmer, MacAloney

ABSENT: None

EXCUSED: None

Conference with Legal Counsel – Anticipated Litigation. Closed Session pursuant to Government Code Section 54956.9 (c) relating to initiation of litigation: One potential case.

GENERAL SESSION

7:00 p.m. – City Council Chambers

ROLL CALL Mayor MacAloney called the General Session to order at 7:14 p.m.

COUNCILMEMBERS

PRESENT: Rheins, Reese, Ulmer, MacAloney

ABSENT: Pauly

EXCUSED: None

Councilmember Pauly arrived at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Led by Alyssia Simon and Jillian Cline from Villa Park Elementary School

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Presentation of an award from Les Fields of Tropical Plaza Nursery, Inc. to the City and Serrano Water District regarding the Ridgeview Drought Tolerant Landscaping Project
- Presentation of Proclamation to the Villa Park Rotary in support of “World Polio Day”
- Presentation of Academic Achievement Award to Patrick Candelaria from Villa Park High School
- Villa Park Community Services Foundation update
- Orange County Fire Authority update
- Law enforcement update - Chief of Police Services Lt. Bob Wren

City Attorney Litfin reported the Villa Park City Council returned from Closed Session with the following reportable action: The City Council voted 3-0-2 to commence the claim process and various pre-litigation procedures against the Orange County Fire Authority.

AYES: COUNCILMEMBERS: Rheins, Reese, Ulmer

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: Pauly, MacAloney

ORAL COMMUNICATIONS

Patricia Buttress, Southern California Edison, provided a status update on SCE’s Villa Park Substation Landscape Project.

PUBLIC HEARINGS

1. **Variance Permit No. 0704, a request to encroach five feet (5’) into the required twenty-five foot (25’) rear setback area, for the remodel of and addition to an existing single-family residence. Location: 19061 San Ramon Circle. Applicants: Angelo & Keira Anastasio.**

Associate Planner Carson presented the staff report.

Mayor MacAloney opened the public hearing.

Mr. Angelo Anastasio, applicant, spoke in favor of the project.

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

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2010-3136 approving Variance Permit No. 0704:

AYES: COUNCILMEMBERS: Pauly, Rheins, Reese, Ulmer, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

2. Variance Permit No. 0705, a request to reduce the side yard setback from eleven feet five inches (11'5") to ten feet two inches (10'2") for an addition to the existing single-family residence. Location: 9761 Janice Circle. Applicants: Peter & Lesslie Giacobbi.

Associate Planner Carson presented the staff report.

Mayor MacAloney opened the public hearing.

Mr. Peter Giacobbi, applicant, spoke in favor of the project.

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

It was moved by Councilmember Pauly, seconded by Councilmember Reese and carried by the following roll call vote to adopt Resolution No. 2010-3137 approving Variance Permit No. 0705:

AYES: COUNCILMEMBERS: Pauly, Reese, Rheins, Ulmer, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

3. Consideration of Tentative Parcel Map 2010-114. Location: 9562 Santiago Boulevard; Applicant: Orange Lutheran High School Association of Orange County.

Associate Planner Carson presented the staff report.

Councilmember Pauly addressed concerns she had with the findings of the resolution and mentioned it appears as if something is preparing to happen.

In response City Attorney Litfin stated there are provisions in the Government Code that require cities to make these findings. Development in this context is the subdivision itself and a "WHEREAS" could be added to the resolution stating this subdivision is for conveyance purposes only and no residential, commercial, or other construction is independently approved by this approval.

Mayor MacAloney opened the public hearing.

Carol Tagayun, 2610 E. Riding Way, Orange, and Colleen Choate, 2183 N. Bailey Drive, Orange, expressed concerns of future construction or commercial development associated with the approval of this Tentative Parcel Map.

Tim Odle, representative of Orange Lutheran High School of Orange County, assured Council they have a buyer for the property and this Tentative Parcel Map is for finance and conveyance purposes only.

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

It was moved by Councilmember Pauly, seconded by Councilmember Reese and carried by the following roll call vote to adopt Resolution No. 2010-3138 as amended, approving Tentative Parcel Map 2010-114, subject to the recommended Conditions of Approval:

AYES: COUNCILMEMBERS: Pauly, Reese, Rheins, Ulmer, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

CONSENT CALENDAR (ITEMS # 4-13)

Mayor MacAloney abstained from voting on Item 8, the Valley Storm Drain Project, as the project is located within 500 feet of his residence.

Councilmember Pauly pulled items 4, 6 and 13.

Mayor MacAloney pulled item 14.

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

AYES: COUNCILMEMBERS: Ulmer, Rheins, Pauly, Reese, MacAloney
(MacAloney Abstained on item 8)

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

5. Financial Treasurer's Report for the month of August.

ACTION: Receive and file.

7. Authorization to advertise for Phase 1 of the Lemon Street Improvement Projects.

ACTION: Authorize the City Engineer and City Clerk to advertise for construction bids and the Finance Director be authorized to amend the FY 2010/11 Budget and Capital Improvement Program as stated in the staff report.

8. Award of Contract – Valley Storm Drain Project.

ACTION: Award the contract to B & T Works, Inc. in the amount of \$68,645, and a 10% construction contingency of \$6,865 for a total of \$75,510, and authorize the Mayor and City Clerk to execute on behalf of the City, and authorize the Finance Director to amend the FY 2010/11 Budget as stated in the staff report.

9. Consideration of Resolution requesting that the Orange County Transportation Authority (OCTA) allocate Combined Transportation Funds for the Santiago Boulevard/Towne Centre Entrance Improvement Project.

ACTION: Adopt Resolution No. 2010-3139.

10. Authorization to purchase a wall mounted robotic camera system from VMI, Inc. for VPTV operations (continued from August 24, 2010).

ACTION: Authorize the City Manager to purchase the robotic camera system and necessary equipment from VMI, Inc. for VPTV operations, and authorize the Finance Director to amend the FY budget as indicated in the staff report.

11. Update regarding public nuisance at 19051 Ridgeview Road (Continued from July 27, 2010, and August 24, 2010).

ACTION: That the matter be tabled.

12. Consideration of FY 2010-2011 Town Hall Meeting Schedule.

ACTION: Approve the FY 2010-2011 Town Hall meeting schedule.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. Warrants and disbursements from August 14, 2010, to September 10, 2010.

Councilmember Pauly pulled this item to commenting on the excellent job the City's new street sweeping company, Athens Services, is doing. Also, she noted that with the new contract the City is saving approximately \$1,000 per year while increasing the level of service.

Mayor MacAloney questioned the payments to Tropical Plaza Nursery and the CJPIA. In response, City Manager Sassoon mentioned the payment to Tropical Plaza was for the annual cleaning of the Canyon Drive storm drain, and to the CJPIA it was for City's property insurance.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to approve the warrants and disbursements in the amount of \$381,032.21:

AYES: COUNCILMEMBERS: Ulmer, Reese, Pauly, Rheins, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

13. Use of city seal – 50th Birthday Celebration.

Councilmember Pauly pulled this item and introduced Rob Cowle, owner of Rockwell's Bakery, who presented sample 50th anniversary cupcakes and cookies to the City Council.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2010-3140:

AYES: COUNCILMEMBERS: Ulmer, Rheins, Pauly, Reese, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

6. Request approval of City Council Minutes of August 24, 2010, September 7, 2010, and September 9, 2010.

Councilmember Pauly pulled this item and requested that the September 9, 2010, special meeting minutes be amended to reflect that her absence was due to her son's previously scheduled graduation from Marine Corp Boot Camp.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to adopt the minutes as amended:

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese, Rheins, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

14. Crossing Guard at Villa Park Elementary School (continued from August 24, 2010).

Mayor MacAloney pulled this item questioning the traffic issues around schools, the location of existing parking signs as well as the process for painting red curbs.

In response City Manager Sassoon stated traffic around the schools is an ongoing problem and the City receives calls daily regarding the issue. With regards to red curbs, the City does receive requests from residents and each request is evaluated carefully by the City Engineer, and not every request is fulfilled. As for the parking issue, the City

has initiated school site reviews to evaluate the existing parking prohibitions to see if there is a better way to accommodate those wishing to park at the schools.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Ulmer and carried by a unanimous voice vote to continue the matter until January 25, 2011.

NEW BUSINESS

15. MuniServices presentation on Sales or Transaction and Use Tax records.

Marina Sloan from MuniServices provided the staff report and presented a status update on the Sales & Use Tax Audit. Ms. Sloan noted that MuniServices has already found a \$42,000 error on the Board of Equalization's part where they misallocated funds.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Reese and carried by a unanimous voice vote to receive and file the report.

16. Authorization for various actions – Repairs to City Hall.

City Manager Sassoon presented the staff report.

After discussion, it was the consensus of the City Council to use the present situation as an opportunity to redesign the facade of City Hall, and to act as a leader in the improvements of the Towne Centre.

It was moved by Councilmember Pauly, seconded by Councilmember Reese and carried by the following roll call vote to ratify the City Manager's action to award a contract to Cedars Enterprises for the emergency shoring work, and authorize staff to solicit proposals for architectural services through an RFQ process:

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese, Rheins, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

MAYOR AND COUNCILMEMBER MATTERS

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

Councilmember Rheins reported on the League of California Cities Annual Conference and the LOCC, Orange County Division goal setting meeting.

Mayor Pro Tem Ulmer reported on the League's Advocacy Committee meeting, the Investment Advisory Committee meeting, and the Orange County Fire Authority Board meeting.

Councilmember Pauly reported on the Public Utilities Committee meeting, the Serrano Water District Board meeting, and announced the upcoming Towne Centre Committee meeting.

Councilmember Reese reported on the Orange County Sanitation District Board meeting, OCFA Board meeting, and the Villa Park Adopt-A-Marine for Thanksgiving program.

Mayor MacAloney reported on the Public Utilities Committee meeting, the Community Development Committee meeting, the VPCSF Board meeting, and Serrano Water District Board meeting.

CITY MANAGER'S REPORT

Management Analyst Garcia introduced Reba Walker, the City's newest intern from California State Fullerton.

ADJOURNMENT

The City Council adjourned at 10:03 p.m. in memory of long-time Villa Park resident Herb Gallegly, who passed away in late August. The next meeting will be on Tuesday, October 26, at 7:00 p.m. in the Council Chambers

ATTEST:

W. Bill Mac Aloney, Mayor
City of Villa Park

Jarad L. Hildenbrand, City Clerk
City of Villa Park