

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

November 16, 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, Reese, Ulmer, MacAloney

ABSENT: Rheins

Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation, pursuant to Government Code § 54956.9(B). Two Matters.

GENERAL SESSION

7:00 p.m. – City Council Chambers

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

COUNCILMEMBERS

PRESENT: Pauly, Reese, Ulmer, MacAloney

ABSENT: Rheins

PLEDGE OF ALLEGIANCE TO THE FLAG

Led by Eliza Hagen and Taylor Manning from Villa Park Elementary School

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Announcement of the 13th Annual Villa Park Boat Parade Grand Marshals – Don and Karen Holthe
- Presentation of Academic Achievement Award to Cherish Harris from Lutheran High School of Orange County

- Southern California Gas Company – Margaret Pashko
- Law enforcement update - Chief of Police Services Lt. Bob Wren
- Villa Park Community Services Foundation update – Bob Fauteux

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

ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

- 1. First reading of Ordinance No. 2010-555, an ordinance of the City Council of the City of Villa Park adding section 23-25 to Chapter XXIII of the Villa Park Municipal Code to establish procedures for implementing State Density Bonus requirements, as set forth in California Government Code Section 65915.**

Associate Planner Carson presented the staff report.

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

Mayor Pro Tem Ulmer commented this is another State mandate and the City is adopting the minimum requirements.

Councilmember Pauly stated she is voting no on principle and questioned the ramifications if the City does not adopt this ordinance.

City Attorney Litfin stated the California Department of Housing and Community Development (HCD) could hold up certification of the City's Housing Element which basically provides the City certain type immunity from lawsuits by affordable housing advocacy groups. Worst case scenario, a judge could order the City to stop issuing building permits until the Housing Element is certified.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to introduce and approve a first reading of Ordinance No. 2010-555, and schedule a second reading and adoption at the December 14, 2010, City Council meeting:

AYES: COUNCILMEMBERS: Ulmer, Reese, MacAloney

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: Rheins

ABSTAIN: COUNCILMEMBERS: None

2. First reading of Ordinance No. 2010-557, an ordinance of the City Council of the City of Villa Park, California, amending Article 23-5 and Chapters 23-6.2 and 23-6.3 of the Villa Park Municipal Code relating to transitional housing and emergency shelters in residential zones.

Associate Planner Carson presented the staff report.

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

Councilmember Pauly asked for the definition of Emergency Shelter as well as Transitional Housing. Associate Planner Carson read the definitions.

Mayor Pro Tem Ulmer stated this is another State driven mandate and questioned the penalties. City Attorney Litfin stated they were the same described penalties as with regard to item #1.

It was moved by Mayor Pro Tem Ulmer, seconded by Mayor MacAloney and failed by the following roll call vote to introduce and approve a first reading of Ordinance No. 2010-555, and schedule a second reading and adoption at the December 14, 2010, City Council meeting:

AYES: COUNCILMEMBERS: Ulmer, MacAloney

NOES: COUNCILMEMBERS: Pauly, Reese

ABSENT: COUNCILMEMBERS: Rheins

ABSTAIN: COUNCILMEMBERS: None

City Manager Sassoon stated she certainly understands the displeasure of the Council regarding this State mandate; however, she believes that the penalties are too severe if HCD does not certify the City's Housing Element.

Councilmember Reese stated he voted no because he would like the full Council present to consider this ordinance.

In response, City Attorney Litfin suggested a substitute motion to reconsider the ordinance and continue to the December 14, 2010, City Council meeting.

It was moved by Councilmember Reese, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to reconsider the ordinance and continue to the December 14, 2010, City Council meeting:

AYES: COUNCILMEMBERS: Reese, Ulmer, MacAloney

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: Rheins

ABSTAIN: COUNCILMEMBERS: None

CONSENT CALENDAR (ITEMS # 3-11)

Councilmember Reese pulled item 5.

Councilmember Pauly pulled item 4.

Mayor MacAloney pulled item 8.

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

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Rheins

ABSTAIN: COUNCILMEMBERS: None

3. Request approval of City Council Minutes of October 26, 2010.

ACTION: Approve.

6. Request for closure of Villa Isle at Canyon Drive.

ACTION: Authorize staff to gather citizen input, complete the traffic study, and develop an initial cost estimate for this project; and that the matter be brought back to the City Council at a future meeting for a final decision.

7. Request for Median cut on Via Bravo.

ACTION: Approve of the Erion's request to remove a 60 foot portion of the landscaped median at 18582 Via Bravo and authorize the City Manager to execute necessary legal documents.

9. Award of Contract – Lemon Street Median from Villa Park Road to Santiago Boulevard, and authorization of an Agreement with Winzler and Kelly for Construction Management Services.

ACTION: Award the contract to KASA Construction in the amount of \$110,815.20, with a 10% contingency of \$11,081, for a total of \$121,896.20, and authorize the Mayor and City Clerk to execute on behalf of the City; and authorize the City Manager to execute an agreement with Winzler and Kelly in an amount not to exceed \$21,405 for construction management.

10. Second reading of Ordinance 2010-554, an ordinance of the City Council of the City of Villa Park adopting by reference the California Codes of Regulations Title 24, Parts 1-12, known and designated as the 2010 Edition of the California Building Code, 2010 Edition of the California Residential Code, 2010 Edition of the California Electrical Code, 2010 Edition of the California Plumbing Code, 2010 Edition of the California Mechanical Code, 2010 Edition of the California Administrative Code, 2010 Edition of the California Reference Standards Code, 2010 Edition of the California Energy Code, 2010 Edition of the California Green Building Standards Code, 2010 Edition of the California Historical Building Code, 2010 Edition of the California Existing Building Code and the 2010 Edition of the California Fire Code, making amendments thereto, and related actions.

ACTION: Approve a second reading and adopt Ordinance No. 2010-554.

11. Approval of an Agreement with KTG Y Group, Inc., for the Design of the City Hall Façade Improvement Project.

ACTION: Approve the agreement with KTG Y Group, Inc., and authorize the Mayor and City Clerk to execute the agreement.

ITEMS PULLED FROM THE CONSENT CALENDAR

4. Authorization to issue a five year notice of termination to Villa Park Disposal.

Councilmember Pauly pulled item 4 allowing a representative from Villa Park Disposal the opportunity to address the Council.

Ric Collet, General Manager of Villa Park Disposal, spoke in opposition to the notice of termination.

Pat Munoz, Special Counsel, Rutan and Tucker, responded to Mr. Collet's comments and further suggested that Council also authorize a 20 year notice of termination to Villa Park Disposal.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to provide a five year and twenty year notice of franchise termination to Villa Park Disposal, in accordance with state law and the current franchise contract:

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Rheins

ABSTAIN: COUNCILMEMBERS: None

5. Request for speed humps on Featherhill Drive.

Councilmember Reese pulled this item mentioning he lives near Featherhill Drive and speeding is definitely an issue. Councilmember Reese further mentioned he was in support of staff's recommendation.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to authorize the traffic analysis, develop initial cost estimates for the project, and that the matter be brought back to the City Council at a future meeting for a final decision:

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Rheins

ABSTAIN: COUNCILMEMBERS: None

8. Award of Contract – Lemon Street Trail from Villa Park Road to Santiago Boulevard, and authorization of an Agreement with Winzler and Kelly for Construction Management Services.

Mayor MacAloney pulled this item due to an email he received from a concerned resident, and wants to verify the contractor is responsible and licensed to complete the job.

City Manager Sassoon stated KASA Construction was recently awarded and is now constructing the Taft Avenue medians, and assured Council that Winzler & Kelly preformed due diligence and checked KASA's references.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to award the contract to KASA Construction in the amount of \$219,454, with a 10% contingency of \$21,945, for a total of \$241,399, and authorize the Mayor and City Clerk to execute on behalf of the City; and authorize the City Manager to execute an agreement with Winzler and Kelly in an amount not to exceed \$56,576 for construction management:

AYES: COUNCILMEMBERS: Ulmer, Reese, Pauly, MacAloney

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Rheins

ABSTAIN: COUNCILMEMBERS: None

NEW BUSINESS

12. Discussion regarding potential Municipal Code amendments to allow used vehicle sales and outdoor merchandise sales in Villa Park Towne Centre, and permitting outdoor storage containers in the service station performance and development standards.

City Manager Sassoon presented the staff report.

City Council discussion ensued regarding business friendly practices, used car and outdoor merchandise sales in the Towne Centre, as well as outdoor storage containers at the service station.

Frank Younis, Villa Park 76, addressed the Council and spoke to the storage containers and used car sales at his service station.

After discussion, it was the consensus of the City Council to move forward with all Municipal Code amendments and present a draft at the January 25, 2010 meeting.

13. Proposed Association of Orange County Cities.

City Manager Sassoon presented the staff report.

Bob Fauteux, Councilmember-elect, encouraged Council to keep apprised of what is happening at the State level as they are seeking to convert to a charitable organization.

City Council discussion ensued regarding the proposed Association of Orange County Cities, the Orange County Division League of CA Cities, and the State League of CA Cities. After discussion it was the consensus of the City Council to hold payments to the Orange County Division and State League of CA Cities, and continue the matter to the December 14 meeting.

MAYOR AND COUNCILMEMBER MATTERS

Councilmember Reese reported on the Orange County Sanitation District Board meeting, the 50th Anniversary Celebration Committee meeting, and the Adopt-A-Marine for Thanksgiving program.

Mayor Pro Tem Ulmer reported on the 50th Anniversary Celebration Committee and Investment Advisory Committee meetings.

Mayor MacAloney reported on the Villa Park Community Services Foundation meeting, the Community Development Committee meeting, and the Investment Advisory Committee meeting.

CITY MANAGER'S REPORT

City Manager Sassoon announced the upcoming Santa Tour on Saturday, December 4, 2010.

ADJOURNMENT

The City Council adjourned at 9:27 p.m. The next meeting will be on Tuesday, December 7, for the swearing in of our recently-elected Councilmembers. The next regular meeting will be on Tuesday, December 14, at 7:00 pm here in the Council Chambers.

W. Richard Ulmer, Mayor
City of Villa Park

ATTEST:

Jarad L. Hildenbrand, City Clerk
City of Villa Park