

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

**March 22, 2011**

**CLOSED SESSION**

5:30 p.m. – City Council Chambers/Conference Room

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

COUNCILMEMBERS

PRESENT: Fauteux, Pauly, MacAloney, Reese, Ulmer

ABSENT: None

1. **Conference with Legal Counsel – Anticipated Litigation.** Closed Session pursuant to Government Code Section 54956.9 (b)(1): significant exposure to litigation. One potential case.
2. **Public Employee Performance Evaluation.** Closed Session pursuant to Government Code Section 54957 (b) relating to appointment, employment, evaluation of performance for public employee: City Manager.

**GENERAL SESSION**

7:00 p.m. – City Council Chambers/Conference Room

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

COUNCILMEMBERS

PRESENT: Fauteux, Pauly, MacAloney, Reese, Ulmer

ABSENT: None

**PLEDGE OF ALLEGIANCE TO THE FLAG** – Led by Mayor Pro Tem Reese

## ORAL COMMUNICATIONS

The following individuals spoke against or in support of a speech Councilmember Pauly gave at a rally during an Islamic Circle of North America fundraiser February 13:

- Robert Lauten, Villa Park
- Nadia Hassan, Villa Park
- Vaughn Becht, Westminster
- Selma Wakeham, Villa Park
- Barbara Coe, Huntington Beach
- Giovanni Milan, Villa Park
- Saadia Khan, Los Angeles
- Donald Dix, Corona
- Steve Amundson, Huntington Beach
- Stan Martel, Tustin
- Heba Salem, Villa Park
- Derrick Wakeham, Villa Park
- Rosilee Gamboa, Villa Park
- Safura Khan, Villa Park
- James Horn, Menifee
- Nam-Yong Horn, Menifee
- Jeff Warner, La Habra Heights
- Walter Posey, Villa Park
- Patricia Burns, Villa Park
- Christmas Simon, Yorba Linda
- Salam Al-Marayati, Los Angeles
- Linda Cone, Yorba Linda
- Janette Posey, Villa Park
- Atef Younis, Villa Park
- Estee Chandler, Toluca Lake
- Shakeel Syed, Culver City
- Karrol Magavenbovu, Villa Park
- Wayne Silzel, Villa Park
- Gary Peterson, Anaheim Hills
- Jerry Fitzgerald, Long Beach
- Florice Hoffman, Orange
- Bruce Mayall, Mission Viejo
- Hussam Ayloush, Corona
- Donna Maxey, Corona
- Marwa Mansour, Huntington Beach
- Rania Adaellatif, Laguna Niguel
- Michelle Houser, Garden Grove
- Waqas Syed, Laguna Hills
- Omar Masry, Orange County

- Jasdeef Sinjl Mann, Yorba Linda
- Mary Silzel, Villa Park
- Adel Syed, Fullerton
- Bob Kowell, Murrieta
- Desare Ferraro, Orange
- Mark Wayland, Orange
- Tammy Shindy, Yorba Linda
- Yousreya Khalil, Anaheim Hills
- Salman Syed, Fountain Valley

### **CONSENT CALENDAR (ITEMS # 3-11)**

Councilmember Fauteux pulled items 10 and 11.

Councilmember MacAloney pulled item 3.

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

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

#### **4. Financial Treasurer's Report for the month of February.**

ACTION: Receive and file.

#### **5. Request approval of City Council Minutes of February 22, 2011.**

ACTION: Approve.

#### **6. Adoption of Fiscal Year 2011/12 Priorities and Work Plan.**

ACTION: Adopt the Fiscal Year 2011/12 Priorities and Work Plan.

#### **7. Authorization to advertise for construction bids for the FY 10/11 Sewer Rehabilitation Project, and approval of an agreement with Winzler-Kelly for related design and construction management services.**

**ACTION:** Authorize the City Engineer and the City Clerk to advertise for construction bids, and authorize the Mayor to execute the Consultant Services Agreement with Winzler-Kelly.

**8. Authorization to advertise for construction bids for the FY 10/11 Street Rehabilitation Project, and approval of an agreement with Winzler-Kelly for related design and construction management services.**

**ACTION:** Authorize the City Engineer and the City Clerk to advertise for construction bids, and authorize the Mayor to execute the Consultant Services Agreement with Winzler-Kelly.

**9. Villa Park Community Services Foundation Appointments.**

**ACTION:** Appoint the Board's recommendation as stated in the staff report.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**3. Warrants and disbursements from February 10, 2011 to March 7, 2011.**

Councilmember MacAloney pulled this item questioning the tree trimming budget.

City Manager Sassoon stated the City budgets annually for tree trimming and twice a year she and the Maintenance Supervisor select the trees to be trimmed.

It was moved by Councilmember MacAloney, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to approve warrants and disbursements in the amount of \$577,557.53:

**AYES:** COUNCILMEMBERS: MacAloney, Reese, Fauteux, Pauly, Ulmer

**NOES:** COUNCILMEMBERS: None

**ABSENT:** COUNCILMEMBERS: None

**ABSTAIN:** COUNCILMEMBERS: None

**10. Conversion of Hillcrest Circle from a private street to a public street.**

Councilmember Fauteux pulled this item questioning the \$10,000 budget for residents of the private street.

City Manager Sassoon stated the quote for the Cape Seal for Hillcrest Circle is \$10,800 and the homeowners are bearing the cost of the first \$10,000.

It was moved by Councilmember MacAloney, seconded by Councilmember Pauly, and carried by a unanimous voice vote to authorize staff to proceed with the necessary steps for the City's acceptance of Hillcrest Circle as a public street.

**11. Annual Members meeting and Board of Directors meeting of the Villa Park Community Access Television Corporation (VPTV).**

Councilmember Fauteux pulled this item noting there is approximately \$50,000 in VPTV's account and questioned the ownership of the money.

City Manager Sassoon stated that until the Corporation is dissolved, Finance Director Danaher is maintaining their accounts. However, the City has been invoicing VPTV for the upgrade of the equipment and that money will be transferred in the future.

With the significant equipment upgrade, Councilmember Pauly questioned how much of the \$50,000 actually remained.

Finance Manager Danaher stated the City has spent approximately 90% on the necessary upgrade.

It was moved by Councilmember Fauteux, seconded by Councilmember MacAloney and carried by the following roll call vote to 1) acting as the Board of Directors, appoint Mr. MacAloney as President, Mr. Ulmer as Vice President, Mr. Reese as Secretary, and Ms. Pauly as Treasurer, 2) acting as the Members and Board of Directors, authorize officers to sign a Certificate of Dissolution upon Attorney General approval of the distribution of VPTV assets to the City, and 3) authorize the City Manager and City Attorney to take all actions necessary to facilitate the Board of Directors' actions:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

**OLD BUSINESS**

**12. Award of contract for Lemon Street Trail construction from Santiago Boulevard to Valley Drive, and approval of an Agreement with Winzler-Kelly for related project and construction management services.**

City Manager Sassoon presented the staff report noting the City received a bid protest from Kasa Construction, the second lowest bidder. The City Attorney analyzed the bid

protest and his conclusion was that it is not valid. The City Clerk informed Kasa Construction and they are satisfied with the City Attorney's analysis.

As a comprise to the group of residents on the north end who oppose the trail, City Manager Sassoon suggested that the City Council construct the project, but omit the trail fencing north of Mesa Drive.

Councilmember Pauly had concerns with the project noting a petition that was circulated by residents in opposition of the project as well as the undetermined PAR Course stations.

Robert Green, 9502 Lemon Street, and Janet Dante, 9511 Lemon Street, spoke in opposition of the project.

Chris Felix, 18552 Alice Lane, spoke in favor of the project.

Further City Council discussion ensued regarding the project.

It was moved by Councilmember Fauteux, seconded by Councilmember MacAloney and carried by the following roll call vote to reject the bid protest from Kasa Construction, award the contract to Mamco, Inc. in the amount of \$357,364, with a 15% contingency of \$53,600, for a total of \$410,964, 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-Kelly in an amount not to exceed \$88,585 for construction management:

AYES: COUNCILMEMBERS: Fauteux, MacAloney, Reese, Ulmer

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

## **NEW BUSINESS**

### **13. Approval of 50<sup>th</sup> Anniversary Brick Paver Fundraising Program.**

City Manager Sassoon presented the staff report.

It was moved by Mayor Pro Tem Reese, seconded by Councilmember MacAloney and carried by a unanimous voice vote to approve the 50<sup>th</sup> Anniversary Brick Paver Fundraising Program.

## **MAYOR AND COUNCILMEMBER MATTERS**

Councilmember Pauly reported on the Municipal Water District of Orange County dinner regarding water policy.

Mayor Pro Tem Reese reported on the Orange County Sanitation District meeting.

Councilmember MacAloney reported on the Serrano Water District meeting and requested that staff distribute the City's monthly event calendar as soon as possible.

Councilmember Fauteux reported on the Orange Unified School District Board meeting.

Mayor Ulmer, speaking as a resident of Villa Park, expressed regret for the incident that implicated the city of Villa Park and its Council, and apologized for the words that were delivered at a rally during an Islamic Circle of North America fundraiser February 13.

## **ADJOURNMENT**

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

The City Council adjourned at 10:22 p.m.

The next regular meeting will be on Tuesday, April 26 at 7:00 p.m. in the Council Chambers.

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W. Richard Ulmer, Mayor  
City of Villa Park

## **ATTEST:**

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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.