

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

April 26, 2011

CLOSED SESSION

6:15 p.m. – City Council Chambers/Conference Room

ROLL CALL Mayor Ulmer called the Closed Session to order at 6:15 p.m.

COUNCILMEMBERS

PRESENT: Pauly, MacAloney, Reese, Ulmer

ABSENT: Fauteux

Councilmember Fauteux arrived at 6:23 p.m.

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 7:02 p.m.

COUNCILMEMBERS

PRESENT: Fauteux, Pauly, MacAloney, Reese, Ulmer

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – Led by Jennifer Gordon from Villa Park Elementary School

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Presentation of Academic Achievement Award to Wyatt Strahan from Villa Park High School
- Presentation to Elizabeth Marsh, winner of the 50th Anniversary Slogan contest
- Support of Proclamation – DMV/Donate Life California
- Villa Park Community Services Foundation update – Doug Bender
- Villa Park Picnic update – Greg Mills
- Orange County Fire Authority update
- Law enforcement update - Chief of Police Services Lt. Bob Wren

ORAL COMMUNICATIONS

Councilmember MacAloney addressed comments given by Councilmember Pauly at a rally during an Islamic Circle of North America fundraiser February 13. He spoke about the March 22 protest at City Hall, and requested that she reimburse the City for monetary costs associated with the incident.

Jack Cleary, Villa Park, presented an update on the Friends of the Villa Park Library.

An unnamed Villa Park resident spoke about the March 22 protest at City Hall.

Rosilee Gamboa, Villa Park, spoke about the March 22 protest at City Hall.

Wally Courtney, Villa Park, spoke about the March 22 protest at City Hall.

For the benefit of the public, City Attorney Litfin clarified no action may be taken on Oral Communication issues because they were not legally noticed.

Nadia Hassan, Villa Park, spoke about the March 22 protest at City Hall.

Pat Lamb, Villa Park, spoke about the March 22 protest at City Hall.

Rosilee Gamboa, Villa Park, spoke again about the March 22 protest at City Hall.

PUBLIC HEARINGS

- 3. Consideration of Variance Permit No. 0708 – to reduce side and rear yard setbacks to construct a new covered pavilion attached to the existing residence and the relocation of an outdoor fireplace at 9506 Villa Isle Drive. Applicants: Keith and Tammy Martin.**

Planning Manager Jennifer Lilley presented the staff report.

Mayor Ulmer opened the public hearing.

Councilmember MacAloney addressed his concerns with the trees behind the outdoor fireplace and suggested that an approved spark arrestor be installed for added protection.

Keith Martin, applicant, withdrew his variance request for the relocation of the outdoor fireplace. He addressed his only request to reduce the side yard setback for the construction of a new covered pavilion attached to the existing residence.

City Council discussion ensued regarding the request.

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

It was moved by Councilmember Fauteux, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to adopt Resolution No. 2011-3150 approving Variance No. 0708 to reduce the side yard setback to allow the construction of a patio cover, with the condition that an approved spark arrestor be installed to the outdoor fireplace, located at 9506 Villa Isle Drive:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

4. Consideration of Variance Permit No. 0709 - to decrease the side and rear yard setbacks for the construction of a patio cover and an outdoor fireplace located at 9502 Dodson Way. Applicants: John and Dianne Wilhelm.

Planning Manager Jennifer Lilley presented the staff report.

Mayor Ulmer opened the public hearing.

John Wilhelm, applicant, addressed the City Council and spoke in favor of his project.

City Council discussion ensued regarding the request.

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

It was moved by Mayor Pro Tem Reese, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2011-3152 approving Variance No. 0709 to reduce the side and rear yard setbacks to allow the construction of a patio cover and outdoor fireplace located at 9502 Dodson Way:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

5. **Consideration of Conditional Use Permit No. 0710 – a request to install antennas and a microwave dish on a new monopine wireless telecommunication tower. A request for Variance Permit No. 0711 to exceed the height limits in the C-N Zone to allow a 52-foot monopine tower located at 17855 Santiago Boulevard (Applicant: Verizon Wireless)., and approval of a Land Lease agreement with Los Angeles SMSA Limited Partnership dBa Verizon Wireless, for the lease of City-owned property at 17855 Santiago Boulevard, Villa Park, for the installation of the tower.**

Planning Manager Jennifer Lilley presented the staff report. City Manager Sassoon pulled the Lease Agreement noting the City had just received the final version. She requested more time to review it before presenting it to the City Council at the May meeting.

Mayor Ulmer opened the public hearing.

Michelle Felton, representing the applicant, CORE Development Services spoke in favor of the project.

Mike Wesner, Bishop Circle resident, spoke in opposition to the project noting a packet of information he distributed to the City Council. The handout is on file with the City Clerk.

King Leung, Bishop Circle resident, spoke in opposition to the project.

Sally Faber, Churchill Lane resident, spoke in favor of the project.

Jon Montgomery, Bishop Circle resident, suggested that the City Council continue the matter.

Mike Allred, Bishop Circle resident, spoke in opposition to the project.

Janice Mullins, Bishop Circle resident, spoke in opposition to the project.

City Council discussion ensued regarding the request.

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

Councilmember Fauteux motioned to approve the requests; however, he withdrew his motion after Councilmember MacAloney made a subsequent motion.

It was moved by Councilmember MacAloney, seconded by Councilmember Pauly and carried by the following roll call vote to continue the public hearing to the May 24, 2011 City Council meeting:

AYES: COUNCILMEMBERS: MacAloney, Pauly, Reese, Ulmer

NOES: COUNCILMEMBERS: Fauteux

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

6. First Reading of Ordinance No. 2011-560 amending Article 19-2.9 regarding parking of trailers and nonmotorized vehicles.

City Manager Sassoon presented the staff report.

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

It was moved by Mayor Pro Tem Reese, seconded by Mayor Ulmer and carried by the following roll call vote to introduce and approve a First Reading of Ordinance No. 2011-560, and schedule a Second Reading and adoption at the May 24, 2011, City Council meeting:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

CONSENT CALENDAR (ITEMS # 7-22)

Regarding item 18, City Manager Sassoon noted staff's recommendation has changed to reject all bids and authorize the City Engineer and the City Clerk to readvertise for construction bids.

Councilmember Fauteux pulled item 14.

Councilmember Pauly pulled item 10.

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

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

7. Warrants and disbursements from March 8, 2011 through April 6, 2011.

ACTION: Approve warrants and disbursements in the amount of \$319,642.68.

8. Financial Treasurer's Report for the month of March.

ACTION: Receive and file.

9. Request approval of City Council Minutes of March 9, 2011, March 15, 2011, and March 22, 2011.

ACTION: Approve.

11. Notice of Completion – Valley Storm Drain Reconstruction Project.

ACTION: Accept the project and authorize the City Clerk to file the Notice of Completion.

12. Second Amendment to the Urban County Cooperation Agreement between the County of Orange and the City of Villa Park for Fiscal Years 2012-15.

ACTION: Approve and authorize the Mayor to execute the Second Amendment to the Cooperation Agreement.

13. Memorandum of Understanding for the Katella Avenue Traffic Light Synchronization Program Project.

ACTION: Approve the Memorandum of Understanding C-1-2466 by and between Orange County Transportation Authority and the cities of Anaheim, Cypress, Garden Grove, Los Alamitos, Orange, Stanton, and Villa Park, and the County of Orange and the State of California Department of Transportation for Katella Avenue Traffic Light Synchronization Program Project.

15. Approval of a Consultant Services Agreement with Lilley Planning Group for the provision of Planning Services.

ACTION: Authorize the Mayor to execute the Agreement for Consulting Services with Lilley Planning Group, effective March 28, 2011.

16. Authorize additional \$500,000 investment with Wells Fargo Advisors, LLC for laddered agency investment purchases.

ACTION: Authorize City staff to work with Wells Fargo Advisors, LLC and additionally invest \$500,000 in Agencies over a five year laddered strategy.

17. Authorization to purchase a 2011 Ford F250 with landscape body from Villa Ford.

ACTION: Authorize the purchase of the F250 truck from Villa Ford, and authorize the Finance director to amend the FY 11-12 budget as noted in the staff report.

18. Award of Contract – FY 2010/11 Street Rehabilitation Project.

ACTION: Reject all bids and authorize the City Engineer and the City Clerk to readvertise for construction bids.

19. Award of Contract – FY 2010/11 Sewer Rehabilitation Project.

ACTION: Award the contract to Insituform Technologies, Inc. in the amount of \$240,372, authorize the Mayor and City Clerk to execute on behalf of the City, and authorize the Finance Director to amend the budget as stated in the staff report.

20. Modification to 2011 Council Committee Appointments

ACTION: Approve the modification to City Council Committee Appointments for 2011.

21. Status Report Regarding the City's Auditors, Mayer Hoffman McCann (MHM).

ACTION: Direct staff to monitor the status of the situation and report back to the City Council as developments arise.

22. Claim against the City – Young Hee Koo.

ACTION: Deny the claim for damages and direct the City Manager or designee to send a standard letter of rejection to the claimant.

ITEM(S) REMOVED FROM THE CONSENT CALENDAR

10. Approval of the 50th Anniversary Commemorative Flagpole Project.

Councilmember Pauly pulled this item for the benefit of the residents noting that it is in conjunction with the City's 50th Anniversary celebration.

It was moved by Councilmember Pauly, seconded by Mayor Ulmer, and carried by a unanimous voice vote authorize staff to proceed with the flagpole project.

14. Endorsement of Southern California Association of Governments (SCAG) development of a Southern California Economic Growth Strategy.

Councilmember Fauteux pulled this item stating California is the antithesis of what this resolution is supposed to represent. He noted that fundamentally the resolution is worded correctly, but we just live in a very strange Californian business environment.

It was moved by Councilmember Fauteux, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to adopt Resolution No. 2011-3149 endorsing SCAG's Business Friendly Principles:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

NEW BUSINESS

23. Authorization to solicit bids for the City Hall Façade Improvement Project, and approval of an agreement with Winzler & Kelly for associated construction management services.

City Manager Sassoon presented the staff report. Specifically, she noted the new conservative construction budget which includes contingency and other miscellaneous costs involved.

It was moved by Mayor Pro Tem Reese, seconded by Councilmember Pauly and carried by the following roll call vote to authorize the City Manager and the City Clerk to advertise for construction bids, and authorize the Mayor to execute the Consultant Services Agreement with Winzler & Kelly:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

24. Discussion regarding temporary/political sign regulations.

City Manager Sassoon presented the staff report.

After discussion, it was the consensus of the City Council to individually provide feedback to the City Manager who is to present recommendations at the May 24 meeting.

25. Consideration of salary adjustment for the City Manager.

Mayor Ulmer presented the staff report.

City Council discussion ensued regarding the performance of City Manager Sassoon.

It was moved by Councilmember MacAloney, seconded by Councilmember Fauteux and carried by the following roll call vote to authorize a 5% increase in the City Manager's base salary:

AYES: COUNCILMEMBERS: MacAloney, Fauteux, Reese, Ulmer

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

Councilmember Pauly objected stating she cannot support a salary increase in this economy.

MAYOR AND COUNCILMEMBER MATTERS

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

Councilmember Pauly reported on the Sheriff's Medal of Valor luncheon and the Women's League Home & Garden Tour.

Mayor Pro Tem Reese reported on the Orange County Sanitation and Orange County Fire Authority Board meetings.

Councilmember Fauteux reported on the Villa Park City/School Committee meeting, the Orange Unified School District Board meeting, and announced he did not gain the LAFCO seat for which he campaigned.

Councilmember MacAloney announced he was recently principal for the day at Cerro Villa Middle School.

Mayor Ulmer reported on the Association of California Cities – Orange County general meeting and the Investment Advisory Committee meeting.

CITY MANAGER'S REPORT - None

ADJOURNMENT

The City Council adjourned at 10:39 p.m.

A Town Hall meeting will be held on Tuesday, May 10, at 7:00 p.m. The next regular meeting of the City Council will be on Tuesday, May 24, at 7:00 p.m.

W. Richard Ulmer, 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.