

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

**May 24, 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: Fauteux, MacAloney, Pauly, 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.

**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/Conference Room

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

COUNCILMEMBERS

PRESENT: Fauteux, MacAloney, Pauly, Reese, Ulmer

ABSENT: None

**PLEDGE OF ALLEGIANCE TO THE FLAG** – Led by Lauren Fujitani and Mikayla Kendall from Villa Park Elementary School

## **PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS**

- Presentation of Academic Achievement Award to Andrew Steinbergs from Lutheran High School
- Presentation of Academic Achievement Award to Chris Adnams from Cerro Villa Middle School
- Presentation from Supervisor and OCTA Director Bill Campbell, OCTA Director Greg Winterbottom, and Executive Director of Government Relations Lance Larson.
- Villa Park Community Services Foundation update
- Orange County Fire Authority update

## **ORAL COMMUNICATIONS**

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

Jim Rheins presented an update on the Friends of the Villa Park Library.

## **PUBLIC HEARINGS**

- 2. Consideration of Conditional Use Permit No. 0712 – a request to construct a new detached fifteen foot tall, three-car garage on a property with an existing two-car garage resulting in five total garage spaces located at 9912 Oakwood Circle (Applicant: Warren Williams, Jr.).**

Planning Manager Jennifer Lilley presented the staff report.

Mayor Ulmer opened the public hearing.

Warren Williams, Jr., applicant, addressed the City Council and thanked them for the considering his request.

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

It was moved by Councilmember Pauly, seconded by Councilmember MacAloney and carried by the following roll call vote to adopt Resolution No. 2011-3155, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0712 a request to construct a new detached fifteen foot high, three-car garage on a property with an existing two-car garage resulting in five total garage spaces for property located at 9912 Oakwood Circle:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

3. **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 (Continued from April 26, 2011).**

Planning Manager Jennifer Lilley presented the staff report.

Mayor Ulmer opened the public hearing and announced the Community Development Committee met on May 23, 2011, to address the concerns raised by the residents on Bishop Circle. Further, the Committee recommends that the City Council continue the matter and direct staff to work with Verizon Wireless to explore alternative site locations that would not have a negative impact on residential properties in the City.

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

Jim Dunleavy, Bishop Circle resident, expressed opposition to the cell tower located in the Towne Centre.

Dave Wallace, Bishop Circle resident, expressed opposition to the cell tower and suggested researching alternative technology.

George Hersch, La Habra Heights, mentioned he was looking to buy a property on Bishop Circle and would not purchase it if a cell tower were approved.

Mike Wesner, Bishop Circle resident, thanked the City Council for considering his concerns and those of the other residents on Bishop Circle, and spoke in favor of the relocation of the cell tower.

Janice Wallace, expressed concerns regarding potential noise from the equipment that operates the cell tower.

Dr. Jerry Bushberg, scientist and radio frequency expert, representing the applicant, addressed public concerns with radio frequency issues.

Jon Montgomery, Bishop Circle resident, announced Verizon Wireless is his service provider and that he does not have a coverage issue at his house.

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 MacAloney, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to continue the public hearing to the June 28, 2011, City Council meeting and to direct staff to work with Verizon Wireless to explore alternative site locations to include the placement in City Hall's new façade. In addition, a consensus vote agreed to delay bidding for the City Hall project:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

#### **CONSENT CALENDAR (ITEMS # 4-15)**

Mayor Ulmer abstained from Item 14, the consideration of Lot Line Adjustment No. 2011-01, as he resides within 500 feet of the property.

Councilmember MacAloney pulled item 12.

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

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: Mayor Ulmer on item 14

**4. Warrants and disbursements from April 7, 2011 through May 10, 2011.**

ACTION: Approve warrants and disbursements in the amount of \$860,434.30.

**5. Financial Treasurer's Report for the month of April.**

ACTION: Receive and file.

**6. Request approval of City Council Minutes of April 26, 2011.**

ACTION: Approve.

**7. Second reading of Ordinance No. 2011-560 amending Article 19-2.9 regarding parking of trailers and nonmotorized vehicles.**

ACTION: Approve a second reading and adopt Ordinance No. 2011-560.

**8. Notices of Completion – Lemon Street Trail and Median Improvement Projects from Villa Park Road to Santiago Boulevard, and Taft Avenue Median Improvement Project.**

ACTION: Accept the projects and authorize the City Clerk to file the Notice of Completion, and authorize the Finance Director to amend the budget as stated in the Taft Avenue staff report.

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

ACTION: Award the contract to American Asphalt South in the amount of \$263,150.70, and authorize the Mayor and City Clerk to execute on behalf of the City.

**10. Sewer Pump Station Maintenance Charges for a portion of Tract Number 10523 and Tract Number 13204 (Sycamore Circle) for Fiscal Year 2011-12.**

ACTION: Adopt Resolution No. 2011-3153 accepting the report for sewer pump station maintenance charges for a portion of Tract Number 10523 and Tract Number 13204 for Fiscal Year 2011-12, and setting June 28, 2011 as the date for a Public Hearing.

**11. Resolution No. 2011-3154, authorizing the destruction of certain City records as provided by Section 34090 of the Government Code of the State of California.**

ACTION: Adopt Resolution No. 2011-3154.

**13. Approval of FY 2011-12 recommended level of service and Third Amendment to the Five Year Agreement for Law Enforcement Services with the Orange County Sheriff-Coroner.**

ACTION: Approve the proposed service levels for Fiscal Year 2011-12, and approve the third amendment to the five year agreement for law enforcement services agreement with the Orange County Sheriff-Coroner.

**14. Consideration of Lot Line Adjustment No. 2011-01.**

ACTION: Approve Lot Line Adjustment No. 2011-01 and authorize the City Engineer to execute the necessary documents.

Mayor Ulmer abstained as he resides within 500 feet of the property.

**15. Request removal of trees along Villa Park Road between Morrow Circle and Radec Court.**

ACTION: Approve Mr. Martinez's request for removal.

**ITEM REMOVED FROM THE CONSENT CALENDAR**

**12. Approval of a semi-permanent closure of Villa Isle Drive at Canyon Drive for a six month review period.**

Councilmember MacAloney pulled this item and was concerned the request would set a precedent.

Councilmember Pauly suggested continuing this matter until public notices can be sent to area residents who will be impacted by the closure.

City Manager Sassoon responded that notices were not mailed.

Nic Versteeg, 9496 Villa Isle Drive, presented background information regarding the request for the street closure.

City Council discussion ensued regarding the request.

It was moved by Mayor Pro Tem Reese, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve the test closure of Villa Isle Drive at Canyon Circle, and direct staff to bring this matter back for further review at the November City Council meeting:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

## **OLD BUSINESS**

### **16. Approval in concept for the conversion of Parker Circle and Larson Circle to private streets.**

City Manager Sassoon presented the staff report.

Donna Porter, 19221 Parker Circle, representing the residents of Parker Circle and Larson Circle, announced the residents are opposed to a private street and proposed that the City Council approve an agreement by which the residents fund an \$8 million insurance policy.

City Attorney Litfin stated the \$8 million dollar insurance policy does not provide the City with complete indemnity and does not recommend approval.

City Council discussion ensued regarding the request to permit operative gates at Parker Circle and Larson Circle. After discussion, it was the consensus of the City Council to direct staff to work with the residents to negotiate an alternative compromise that provides the City with complete indemnity.

### **17. Potential revisions to the temporary/political sign regulations.**

City Manager Sassoon presented the staff report.

City Council discussion ensued regarding the feedback received on this matter from members of the Council. After discussion, it was the consensus of the City Council to prohibit banners of any kind and further gather input from the residents for consideration at a future Council meeting.

## **MAYOR AND COUNCILMEMBER MATTERS**

### **18. Individual councilmember information items and/or required meeting attendance reports.**

Councilmember Fauteux reported on the Serrano Water District Board meeting, the Orange County Vector Control District, and announced that Villa Park resident and Investment Advisory Committee member Bill Underwood was recently selected to the Orange County Grand Jury.

Councilmember Pauly reported on the Serrano Water District Board meeting, the 50<sup>th</sup> Anniversary flagpole fundraising efforts, and expressed gratitude to Greg Mills and the rest of the Villa Park Rotary for organizing this year's annual picnic.

Mayor Pro Tem Reese reported on the Orange County Fire Authority Board meeting.

Councilmember MacAloney announced he was recently Cerro Villa Middle School's principal for the day, he reported on the Community Development Committee meeting, and suggested contacting Congressman Ed Royce to see if he is willing to donate the new American flag for the 50<sup>th</sup> Anniversary flagpole.

Mayor Ulmer reported on the Association of California Cities – Orange County general meeting, the Friends of the Villa Park Library meeting, the Orange City/Schools Committee meeting, and the Community Development Committee meeting.

#### **CITY MANAGER'S REPORT - None**

#### **ADJOURNMENT**

The City Council adjourned at 9:45 p.m.

A Budget Study Session will be held on Tuesday, June 14, at 7:00 p.m. The next regular meeting of the City Council will be on Tuesday, June 28, at 7:00 p.m.

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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.