

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

June 28, 2011

CLOSED SESSION

6:00 p.m. – City Council Chambers/Conference Room

ROLL CALL Mayor Ulmer called the Closed Session to order at 6:03 p.m.

COUNCILMEMBERS

PRESENT: Fauteux, Pauly, MacAloney, Reese, Ulmer

ABSENT: None

1. **Conference with Legal Counsel – Anticipated Litigation, significant exposure to litigation pursuant to Government Code Section 54956.9 Subdivision (B). Two potential cases** where, in the opinion of the City Council based on advice of the City Attorney, based in existing facts and circumstances, there is a significant exposure to litigation against the City.

Conference with Legal Counsel – Anticipated Litigation, relating to initiation of litigation pursuant to Government Code Subdivision (C). 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, Pauly, MacAloney, Reese, Ulmer

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – Led by the City's new Management Analyst, Ryan Smoot.

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

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

- Presentation to Diane Polyakov, 2011 Disneyland Resort Scholarship Award Recipient
- Villa Park Community Services Foundation update
- Orange County Fire Authority update
- Law enforcement update - Chief of Police Services Lt. Bob Wren

ORAL COMMUNICATIONS

Roy Berelowitz, 9402 Brewer Way, spoke about an email he sent to the City Council that ended up published in the Foothills Sentry.

PUBLIC HEARINGS

- 2. Consideration of the Fiscal Year 2011-12 Operating Budget and Seven Year Capital Improvement Program, appropriating revenue and establishing the appropriations limit for Fiscal Year 2011-12, and adopting resolutions regarding salaries and benefits.**

City Manager Sassoon presented the staff report.

Mayor Ulmer opened the public hearing and with no one else wishing to speak he closed the public hearing.

Councilmember Pauly opposed the removal of reserve funds for planned capital improvement projects.

It was moved by Mayor Pro Tem Reese, seconded by Councilmember Fauteux and carried by the following roll call vote to approve the release of \$100,000 from the General Fund Undesignated Reserve for the City Hall Façade project:

AYES: COUNCILMEMBERS: Reese, Fauteux, MacAloney, Ulmer

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

It was moved by Councilmember Fauteux, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to adopt Resolution 2011-3157, a Resolution of the City Council of the City of Villa Park adopting the Budget, appropriating revenue and establishing the appropriations limit for Fiscal Year 2011-12:

AYES: COUNCILMEMBERS: Fauteux, Reese, MacAloney, Ulmer

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

It was moved by Councilmember MacAloney, seconded by Councilmember Fauteux and carried by the following roll call vote to adopt Resolution 2011-3158, a Resolution of the City Council of the City of Villa Park adopting an amended reserve policy:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

It was moved by Mayor Pro Tem Reese, seconded by Councilmember Fauteux and carried by the following roll call vote to adopt Resolution 2011-3159, a Resolution of the City Council of the City of Villa Park adopting employer paid member contributions:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

It was moved by Councilmember MacAloney, seconded by Councilmember Fauteux and carried by the following roll call vote to adopt Resolution 2011-3160, a Resolution of the City Council of the City of Villa Park establishing salary and benefit rates for all classes of employment and superseding Resolution No. 2010-3122:

AYES: COUNCILMEMBERS: MacAloney, Fauteux, Reese, Ulmer

NOES: COUNCILMEMBERS: Pauly

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).**

City Manager Sassoon presented the staff report.

Mayor Ulmer opened the public hearing.

Dave Wallace, Bishop Circle resident, complimented the City Council for listening to the residents of Bishop Circle and expressed his concerns with the number of potential carriers co-locating on the proposed tower.

Mike Wesner, Bishop Circle resident, expressed his concerns with the number of potential carriers co-locating on the proposed tower.

Rick Barnett, Rosenau Circle, expressed a concern that not allowing other carriers to co-locate essentially allows Verizon to control the market.

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

City Council discussion ensued.

It was moved by Councilmember Pauly, seconded by Councilmember MacAloney and carried by the following roll call vote to table the current application and direct staff to negotiate with the applicant, Verizon, regarding the alternative location within the façade of the renovated City Hall, and to notice a public hearing for the new application on July 14, 2011 at 8:00 a.m.:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

- 4. Ordinance No. 2011-562, an Ordinance of the City Council of the City of Villa Park approving and adopting the report for sewer pump station maintenance charges for a portion of Tract Number 10523 and Tract Number 13204 for Fiscal Year 2011-2012, prescribing and levying charges, and providing for collection of charges on the Tax Roll.**

City Manager Sassoon presented the staff report.

Mayor Ulmer opened the public hearing and with no one else wishing to speak, he 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 introduce and approve a first reading of Ordinance No. 2011-562, and schedule a second reading and adoption at the July 26, 2011, City Council Meeting:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

- 5. Resolution No. 2011-3161 establishing a master fee schedule for the services rendered by City departments and rescinding Resolution No. 2010-3117.**

City Manager Sassoon presented the staff report.

Mayor Ulmer opened the public hearing and with no one else wishing to speak, he closed the public hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember MacAloney and carried by the following roll call vote to adopt Resolution 2011-3161:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

CONSENT CALENDAR (ITEMS # 6-12)

Councilmember Pauly pulled item 8.

Councilmember Fauteux pulled items 10 and 11.

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

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

6. Warrants and disbursements from May 10, 2011, through June 10, 2011.

ACTION: Approve warrants and disbursements in the amount of \$424,805.65.

7. Financial Treasurer's Report for the month of May.

ACTION: Receive and file.

9. Second reading of Ordinance No. 2011-561 amending Article 3, Section 1 of the Villa Park Municipal Code regarding the public employees retirement system.

ACTION: Approve a second reading and adopt Ordinance No. 2011-561.

12. Report on FY 2010-11 Priorities and Work Plan accomplishments.

ACTION: Receive and file this report.

ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Request approval of City Council Minutes of May 24, 2011, and June 14, 2011.

Councilmember Pauly pulled this item requesting the minutes of May 24 be amended to show she was not absent and did not arrive late to closed session. Mayor Pro Tem Reese requested the same.

Councilmember Pauly also requested that item 12 of the May 24 minutes be reflected to show that she suggested continuing the matter until public notices could be sent to area residents who would be impacted by the closure.

It carried by a unanimous voice vote to approve the minutes as amended.

10. Approval of annual Statement of Investment Policy.

Councilmember Fauteux pulled this item to recognize and commend the Investment Advisory Committee for their hard work and dedication to the City.

It was moved by Councilmember MacAloney, seconded by Councilmember Fauteux and carried by the following roll call vote to adopt Resolution No. 2011-3162 approving the Statement of Investment Policy:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

11. Approval of agreements for City Engineering and on-call engineering services, and building services.

Councilmember Fauteux pulled this item to commend the City Manager for her extensive recruiting efforts.

It was moved by Councilmember Fauteux, seconded by Councilmember Pauly and carried by the following roll call vote to:

1. Approve an agreement for the provision of a City Engineer and general engineering services with CivilSource, Inc. for a period of one year with the option to extend the agreement for up to two additional years, in one year increments;
2. Appoint Mr. Akram Hindiyeh as the City's contract City Engineer effective August 15, 2011;
3. Approve agreements for on-call engineering design services with VA Consulting, Inc., Atkins North America, Inc., and CNC Engineering, Inc. for periods of one year with the options to extend the agreements for up to two additional years, in one year increments;

4. Approve an agreement for building related services with Winzler & Kelly for a period of three years.

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

NEW BUSINESS

13. Reconsideration of the semi-permanent closure of Villa Isle Drive at Canyon Circle.

City Manager Sassoon presented the staff report.

Jeff Tibbets, 18591 Rosenau Drive, spoke in opposition of the closure.

Nic Versteeg, 9496 Villa Isle Drive, spoke in favor of the closure.

Dale Duncan, 2 Estates Drive, appreciates Council's reconsideration of this matter and spoke in opposition to the closure.

Councilmember Pauly suggested that the City consider adopting a public noticing policy as well as disbanding the Community Development Committee.

Councilmember Fauteux disagreed and stated the Community Development Committee is not responsible for the objection this issue has caused. He further motioned to hold any and all physical changes to Villa Isle Drive pending an alternative plan to be submitted to the City Council.

Mayor Ulmer motioned to overturn Council's May 24th approval to temporarily close Villa Isle Drive, and directed the new City Engineer to study other options and bring his recommendations back to the City Council. Mayor Pro Tem Reese seconded this motion.

Councilmember Fauteux withdrew his motion.

It carried by the following roll call vote to approve Mayor Ulmer's motion:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

MAYOR AND COUNCILMEMBER MATTERS

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

Councilmember Fauteux reported on the Serrano Water District, the Friends of the Villa Park Library, and the Orange Unified School District Board meetings.

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

Councilmember Pauly reported on the Serrano Water District Board meeting, the redrawing of the State Assembly, Senate and Congressional district lines, and mentioned the Irvine Lake Recreation District has generously agreed to fund the City's new flag pole in conjunction with the 50th Anniversary.

Mayor Ulmer reported on the Villa Park Community Services Foundation and the Friends of the Villa Park Library Board meetings, and the Budget and Finance and Investment Advisory Committee meetings.

CITY MANAGER'S REPORT

ADJOURNMENT

The City Council adjourned at 9:15 p.m. The next regular meeting of the City Council will be on Tuesday, July 26, 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.