

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

**February 28, 2012
Regular Meeting**

CLOSED SESSION

6:30 p.m. – City Council Chambers/Conference Room

ROLL CALL - Mayor Reese called the Closed Session to order at 6:30 p.m.

COUNCILMEMBERS

PRESENT: Pauly, Ulmer, MacAloney, Reese

ABSENT: None

1. **Conference with Legal Counsel – Existing Litigation.** Closed Session pursuant to Government Code Section 54956.9 (a): existing litigation. One case: Davidson v. City of Villa Park (OCSC Case No.: 30-2010-00414522)

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

GENERAL SESSION

7:00 p.m. – City Council Chambers

ROLL CALL - Mayor Reese called the Closed Session to order at 7:00 p.m.

COUNCILMEMBERS

PRESENT: Pauly, Ulmer, MacAloney, Reese

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – led by Mayor Pro Tem MacAloney

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Villa Park Community Services Foundation update and grant presentation to the Villa Park Elementary Dad's Club
- Serrano Water District update
- Orange County Fire Authority update

ORAL COMMUNICATIONS

Jim Warden, Villa Park resident, requested that Council hold another Town Hall meeting regarding the process of hiring a new City Manager. He also requested that the residents be given input regarding the hiring process.

Roberta Mahler, Villa Park resident, expressed the idea of considering the uniqueness of Villa Park when hiring the next City Manager. She suggested that a part-time City Manager might be appropriate for the City as well as hiring an individual who has previously worked for the City.

Arnold Mahler, Villa Park resident, thanked Council for their successes and expressed his concerns regarding community government. He stated that City Council overrides the majority of Villa Park residents and suggests that Council acts in accordance to the majority of the community. He also expressed his concerns about using reserve funds and Council voting for personal goals.

Villa Park resident, Donna Porter, thanked City Council for improving the City.

PUBLIC HEARINGS

- 2. Consideration of Conditional Use Permit No. 0716, a request to allow the construction of an attached six-car garage at 9562 Santiago Boulevard. Applicant: Jim Yoshikawa.**

Planning Director Jennifer Lilley presented the staff report.

Mayor Reese opened the public hearing. With no one coming forward, Mayor Reese closed the public hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2012-3184 approving the Conditional Use Permit No. 0716 subject to the conditions of approval:

AYES: COUNCILMEMBERS: MacAloney, Pauly, Ulmer, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

3. Consideration of Ordinance No. 2012-567, an Ordinance of the City Council of the City of Villa Park, amending Article 23-5 and Sections 23-6.2 and 23-6.3 of the Villa Park Municipal Code relating to transitional housing and emergency shelters in residential zones.

Planning Director Jennifer Lilley presented the staff report.

Mayor Reese opened the public hearing.

City Council discussion ensued regarding the request. Councilmember Pauly requested definitions of the appropriate permitted uses of emergency shelters and transitional housing of the City of Villa Park. Planning Director Jennifer Lilley recited the definitions. Councilmember Pauly discussed exploring the commercial zones and development standards for residential uses of transitional housing and emergency shelters. Planning Director Jennifer Lilley reassured Council that developments of this nature would need to abide by the development standards and codes of the City of Villa Park in order to preserve the City's standards. Councilmember Pauly noted her objection to the Ordinance.

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

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Ulmer and carried by the following roll call vote to introduce and approve a first reading of Ordinance No. 2012-567, and schedule a second reading and adoption at the March 27, 2012, City Council Meeting:

AYES: COUNCILMEMBERS: MacAloney, Reese, Ulmer

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

4. Establishment of speed limits on City streets.

City Manager Lori Sassoon presented the staff report.

Mayor Reese opened the public hearing.

City Council discussion ensued regarding the request. Mayor Pro Tem MacAloney requested a speed limit censor to be posted on Lemon Street regularly. Lemon

residents expressed concerns of speeding on Lemon Street. A suggestion for 30 miles per hour or a strict enforcement of 35 miles per hour was made by residents of Lemon Street.

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

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem MacAloney and carried by the following roll call vote to introduce and approve a first reading of Ordinance No. 2012-568, and schedule a second reading and adoption at the March 27, 2012, City Council Meeting:

AYES: COUNCILMEMBERS: MacAloney, Pauly, Ulmer, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

CONSENT CALENDAR (ITEMS # 5-11)

Mayor Reese pulled item 10.

Councilmember Ulmer pulled item 9.

Councilmember Pauly pulled item 5.

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

AYES: COUNCILMEMBERS: Ulmer, Pauly, MacAloney, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

6. Financial Treasurer's Report for the month of January.

ACTION: Receive and file.

7. Request approval of City Council minutes of January 16, 2012, January 24, 2012, and February 6, 2012.

ACTION: Approve.

8. Authorization to advertise for construction bids for the FY 11/12 Street Rehabilitation Project and approval of an agreement with Civil Source for related project and construction management services.

ACTION: Authorize the City Engineer and City Clerk to advertise the FY 11/12 Street Rehabilitation Project for construction bids, and authorize the Mayor to execute the Consultant Services Agreement with Civil Source for the design and construction management of the project.

11. Transfer of Professional Services Agreement from Winzler & Kelly to GHD, Inc.

ACTION: That the City Manger be authorized to execute the Consent to Assignment Agreement.

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. Warrants and disbursements from January 9 through February 13, 2012.

Councilmember Pauly pulled this item noting she was in apprehension of accepting Federal grant money in the future because of a prolonged risk of scrutiny the City is subject to.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to approve warrants and disbursements in the amount of \$243,312.00:

AYES: COUNCILMEMBERS: Pauly, Ulmer, MacAloney, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

9. Mid-year budget review and budget adjustments.

Councilmember Ulmer pulled this item recognizing the efforts of Finance Director Michelle Danaher and City Manager Lori Sassoon. He also mentioned the opportunity to report that at the end of the fiscal year, the Unappropriate Fund balance at \$200,000 will come in at over \$400,000. It had been decided that a motion will be made to add back the portion borrowed from the General Reserve Fund.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Pauly and carried by the following roll call vote to authorize the Finance Director to amend the budget based on the amounts summarized in Exhibit 1 of the staff report:

AYES: COUNCILMEMBERS: MacAloney, Pauly, Ulmer, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

- 10. Second Reading of Ordinance No. 2012-566, an Ordinance amending Chapter IX of the Villa Park Municipal Code to extend the requirements of the California Building Code and the California Residential Code pertaining to the materials and construction methods for exterior wildfire exposure to all new construction in the City of Villa Park; and Resolution No. 2012-3183, a Resolution excluding all areas identified as Very High Fire Hazard Severity Zones in the City of Villa Park and adopting findings supported by substantial evidence in the record confirming said determination.**

Mayor Reese pulled this item to discuss the concerns of the fire maps.

Jack Ferraro, Villa Park resident, questioned assessment costs and the legitimacy of the model fire map.

It was moved by Mayor Reese, seconded by Councilmember Ulmer and carried by the following roll call vote to approve a second reading and adopt Ordinance No. 2012-566, and adopt Resolution No. 2012-3183:

AYES: COUNCILMEMBERS: Reese, Ulmer, MacAloney, Pauly

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

MAYOR AND COUNCILMEMBER MATTERS

- 12. Individual councilmember information items and/or required meeting attendance reports.**

Councilmember Ulmer reported on Serrano Water District as well as the funeral for late Councilmember Robert Fauteux.

Mayor Pro Tem MacAloney reported on Serrano Water District as well as the funeral for late Councilmember Robert Fauteux. He also reported on the Orange Unified School District Board meeting and Villa Park Community Services Foundation happenings.

Councilmember Pauly reported on the Orange County Tax Payers Association as well as the Pinewood Derby. She also reported on the Orange County Fire Authority Best and Bravest Awards Dinner and on a event she attended for the Concordia Center for Public Policy.

Mayor Reese reported on the Orange County Sanitation District and Orange County fire Authority Board meetings. He also announced the Villa Park Volunteer Fire Fighters Association donated a Fire Hydrant Monument, which sits near the Clock Tower.

13. Consideration of alternatives regarding the City Council vacancy.

City Manager Lori Sassoon provided the staff report.

Mayor Reese recommended that the City accept resumes and provide individual appointment at no cost the City.

Councilmember Pauly suggested that the position be filled through November. She then requested that an election be held to fill the 2-year term position.

Jim Warden, Villa Park resident, opined that Council hold an election to fill the vacant seat.

Bob Jordan, Villa Park resident, sought clarification regarding the vacant seat on November's ballot.

Bob Hunter, Villa Park resident, opined that Council hold an election to fill the vacant seat.

Birgit Miller, Villa Park resident, opined that Council hold an election to fill the vacant seat.

City Council discussion ensued.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Pauly and carried by the following roll call vote to appoint someone to fill the seat until a Special Election in November, 2012, to call a Special Election, and that the Special Election results determine who serves the remainder of Councilman Fauteux's term on the Council:

AYES: COUNCILMEMBERS: MacAloney, Pauly, Ulmer, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

CITY MANAGER'S REPORT - None

ADJOURNMENT

The City Council adjourned at 9:55 p.m. in honor of late Councilmember Robert "Bob" Fauteux. The City Council called a special meeting on Tuesday, March 13 at 6:00 p.m. to conduct interviews for the vacant position.

ATTEST:

Brad Reese, Mayor
City of Villa Park

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.