

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

**March 27, 2012  
Regular Meeting**

**GENERAL SESSION**  
6:30 p.m. – City Council Chambers

**ROLL CALL** Mayor Reese called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG** - Led by Lisa Reese

COUNCILMEMBERS

PRESENT: Pauly, Ulmer, Reese

ABSENT: MacAloney

**APPOINTMENTS**

**1. Appointment to Vacant Council Seat.**

Assistant City Manager Jarad Hildenbrand provided the staff report regarding the appointment process and the appointment of Mr. Rick Barnett to the vacant council seat.

It was moved by Councilmember Ulmer, seconded by Mayor Reese and carried by the following roll call vote to approve the first reading of Ordinance No. 2012-569, and schedule a second reading and adoption at the April 24, 2012 meeting:

AYES: COUNCILMEMBERS: Ulmer, Reese, Pauly

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

It was moved by Councilmember Ulmer, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2012-3185, calling for the holding of a Special Election on Tuesday, November 6:

AYES: COUNCILMEMBERS: Ulmer, Pauly, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2012-3186, appointing Mr. Richard L. Barnett to temporarily fill the vacant Council seat only until the date of a Special Election:

AYES: COUNCILMEMBERS: Pauly, Ulmer, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

City Clerk Jarad Hildenbrand invited Mr. Barnett to the center of the room where he administered the Oath of Office. After the Oath was administered, Mr. Barnett took his seat at the dais and gave brief remarks.

## **RECESS**

### **RECONVENE GENERAL SESSION**

7:00 p.m. – City Council Chambers

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

#### **COUNCILMEMBERS**

PRESENT: Barnett, Pauly, Ulmer, Reese

ABSENT: MacAloney

#### **PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS**

- Villa Park Community Services Foundation update
- Friends of the Villa Park Library update

- Proclamation Declaring April 2012 as “DMV/Donate Life Month”
- Proclamation Declaring May 6-12, 2012 as “Wildfire Awareness Week”
- Orange County Fire Authority update
- Law enforcement update - Chief of Police Services Lt. Bob Wren

## ORAL COMMUNICATIONS

Jim Gilchrist, Aliso Viejo resident, discussed the Minuteman Project that he founded and provided a concerned warning directed to Councilwoman Pauly regarding free speech at California Coalition for Immigration Reform events.

## PUBLIC HEARINGS

2. **Consideration of Conditional Use Permit No. 0719 a request to allow the construction of an attached four-vehicle garage; Variance Permit No. 0716, a request to reinstate Variance Permit No. 0443 approved by Resolution No. 2000-2526 to allow a reduction in the rear yard setback from the required 25-feet to 14-feet at 9082 Loma Street. Applicant: David Troutt.**

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 Councilmember Pauly, seconded by Councilmember Barnett and carried by the following roll call vote to adopt Resolution No. 2012-3188, approving Conditional Use Permit No. 0719 and Variance Permit No. 0716.

AYES: COUNCILMEMBERS: Pauly, Barnett, Ulmer, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

## CONSENT CALENDAR (ITEMS # 3-9)

Councilmember Ulmer pulled item 7.

Councilmember Pauly pulled items 5 and 9.

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

AYES: COUNCILMEMBERS: Pauly, Ulmer, Barnett, Reese

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

**3. Warrants and disbursements from February 14 through March 9, 2012.**

ACTION: Approve warrants and disbursements in the amount of \$250,278.43.

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

ACTION: Receive and file.

**6. Second Reading of Ordinance No. 2012-568, an Ordinance of the City Council of the City of Villa Park amending Section 19-4.1 of Chapter XIX of the Villa Park Municipal Code Designating Speed Limits.**

ACTION: That the City Council:

1. Approve the establishment of speed limits on City Streets; and
2. Approve a second reading and adopt Ordinance No. 2012-568 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VILLA PARK, AMENDING SECTION 19-4.1 OF CHAPTER XIX OF THE VILLA PARK MUNICIPAL CODE DESIGNATING SPEED LIMITS".

**8. Fiscal Year 2010-2011 Single Audit Report and other Audit Reports.**

ACTION: Receive and file the audited Single Audit Report on Federal Awards inclusive of the Report on Compliance and Other Matters and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets, the Management Letter; and the letter communicating with those charged with governance in accordance with Statement on Auditing Standards No. 114 for the City of Villa Park for the year ended June 30, 2011.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

Councilmember Pauly questioned the absence of the minutes and stated it is good practice to always be approving them.

5. **Second Reading 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, supportive housing and emergency shelters in residential zones.**

Councilmember Pauly pulled this item noting her opposition to the Ordinance.

It was moved by Councilmember Ulmer, seconded by Mayor Reese and was failed by the following roll call vote to approve a second reading and adopt Ordinance No. 2012-567:

AYES: COUNCILMEMBERS: Ulmer, Reese

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: Barnett

Councilmember Barnett abstained and sought further clarification regarding the Ordinance as he was new to Council and did not fully understand the issue.

City Attorney Litfin reported the Ordinance does not pass as it needs three affirmative votes. Interim City Manager Powell recommended continuing the matter to allow time for Councilmember Barnett to be brought up-to-date on the matter.

Councilmember Ulmer withdrew the motion, which seconded by Mayor Reese.

It was moved by Mayor Reese, seconded by Councilmember Ulmer and carried by the following roll call vote to continue the matter to the April 24, 2012 Council meeting:

AYES: COUNCILMEMBERS: Reese, Ulmer, Barnett, Pauly

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

**7. Resolution No. 2012-3187, a Resolution of the City Council of the City of Villa Park appointing Mr. Donald Peter Moriarty, II as the CERT Volunteer Coordinator for 2012, and Tom Dodge as the Vice Coordinator.**

Councilmember Ulmer pulled this item to introduce and welcome Pete Moriarty and Tom Dodge to the organization.

It was moved by Mayor Reese, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2012-3187:

AYES: COUNCILMEMBERS: Reese, Pauly, Barnett, Ulmer

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

**9. FY 11/12 Street Rehabilitation Project Contract Award.**

Councilmember Pauly pulled this item to discuss concerns with the project company as well as issues regarding the quality of work.

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by the following roll call vote to approve the plans and specifications for the "FY 11/12 Street Rehabilitation Project", and authorize the Mayor to execute a contract with EBS General Engineering, Inc. in the amount of \$254,000 for the "FY 11/12 Street Rehabilitation Project".

AYES: COUNCILMEMBERS: Pauly, Reese, Barnett, Ulmer

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

**MAYOR AND COUNCILMEMBER MATTERS**

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

Councilmember Pauly mentioned she toured the MRF Station at Republic Services, and shared that she was invited to judge the Home School Debate Tournament at

Concordia University. She also provided information on the new Birth Choice Center on Chapman Avenue. Finally, she reported on the City/Schools Committee meeting.

Mayor Brad Reese reported on the Orange County Fire Authority Board meeting, the City's March 7<sup>th</sup> Strategic Planning Session, and on the City's Special Meeting of March 13<sup>th</sup>.

Councilmember Ulmer reported on the Villa Park Community Services Foundation as well at the 50<sup>th</sup> Anniversary meeting. He also discussed his meeting with Interim City Manager Don Powell.

#### **11. Consideration of City Council Committee and Liaison Appointments.**

Mayor Reese provided a brief report and moved his Committee appointments. It was seconded by Councilmember Ulmer and carried by the following roll call vote to approve the Mayor's City Council Committee Appointments.

AYES: COUNCILMEMBERS: Reese, Ulmer, Barnett, Pauly

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: None

Next, it was moved by Mayor Reese, seconded by Councilmember Ulmer, and failed by the following roll call vote to appoint Councilmember Barnett as Alternate Director to the Orange County Fire Authority Board of Directors:

AYES: COUNCILMEMBERS: Reese, Ulmer

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: Barnett

For the record, Councilmember Barnett recused himself from the vote and left the Council Chambers.

City Attorney Litfin reported the Resolution does not pass as it needs three affirmative votes.

It was moved by Councilmember Ulmer, seconded by Mayor Reese, and carried by the following roll call vote to continue the matter to the April 24, 2012 meeting:

AYES: COUNCILMEMBERS: Ulmer, Reese, Barnett

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: Pauly

Finally, it was moved by Mayor Reese, seconded by Councilmember Ulmer, and carried by the following roll call vote to appoint Councilmember Barnett as Alternate Director to the Orange County Sanitation District Board of Directors:

AYES: COUNCILMEMBERS: Reese, Ulmer

NOES: COUNCILMEMBERS: Pauly

ABSENT: COUNCILMEMBERS: MacAloney

ABSTAIN: COUNCILMEMBERS: Barnett

For the record, Councilmember Barnett recused himself from the vote and left the Council Chambers.

City Attorney Litfin reported the motion carried as it is not a resolution and received a majority vote of the quorum.

**12. Letter in support of Assembly Bill 1506 (Jeffries) relating to the State Responsibility Area fire fee and the repeal of the fire fee.**

Councilmember Pauly provided a brief report.

It was moved by Mayor Reese, seconded by Councilmember Ulmer, and carried by a unanimous voice vote to sign a letter in support of Assembly Bill 1506.

**CITY MANAGER'S REPORT**

The Villa Park Team presented updates on a potential Civic Center Plaza Improvement Project, Sewer CCTV Videotaping, and the City's Housing Element.

The City Council adjourned to Closed Session at 9:16 p.m.

**CLOSED SESSION**

13. **Public Employee Discipline/Dismissal/Release**
14. **Public Employee Performance Evaluation. Closed Session per Govt. Code Section 54957 (b) relating to appointment, employment, evaluation of performance for public employee: City Manager.**

## **ADJOURNMENT**

City Attorney Litfin reported the Villa Park City Council adjourned from Closed Session at 10:22 p.m. with no reportable action.

**ATTEST:**

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Brad Reese, Mayor  
City of Villa Park

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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.