

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in a regular session Tuesday, January 22, 2008 at 7:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER

Mayor Reese called the meeting to order at 7:30 p.m.

ROLL CALL

COUNCILMEMBERS PRESENT

| | |
|------------------|---------------|
| Brad Reese | Mayor |
| James Rheins | Mayor Pro Tem |
| Richard Freschi | Councilmember |
| Deborah Pauly | Councilmember |
| W. Richard Ulmer | Councilmember |

STAFF PRESENT

| | |
|-------------------|-----------------------------|
| Ken Domer | City Manager |
| Todd Litfin | City Attorney |
| Warren Repke | City Engineer |
| Jason Carson | Associate Planner |
| Michelle Danaher | Finance Manager |
| Jarad Hildenbrand | Assistant to the City Clerk |

FLAG SALUTE

Shea Pone from Villa Park Elementary School led the flag salute. Mayor Reese presented her with a City pin and gift certificate to Rockwell's Bakery.

INTRODUCTIONS AND PRESENTATIONS

Presentation of Academic Achievement Award to Kayleigh Marlin from Cerro Villa Middle School.

Kayleigh Marlin was not in attendance. She was invited back to February's meeting.

Longhouse Chief Jim Azling and Daughter Bailey from the YMCA of Orange Indian Guides/ Indian Princess Program.

YMCA of Orange Longhouse Chief Big Buck accompanied by his Little Princess Running Dear, and Longhouse Medicine Man Running Wolf along with his Little Princess Dancing Heart invited the City Council to YMCA's Annual Indy 500 Pine Wood Derby to be held Saturday, February 2, 2008 at 10:00 a.m. at the Village of Orange.

Representative from the Registrar of Voters Office – February 5, 2008 Presidential Primary Election Update.

Kate Gold, County of Orange Registrar of Voters Office, briefly updated the City Council on the February 5th Presidential Primary Election. She also noted, to date, the City of Villa Park has 4,410 registered voters.

Representative of the Villa Park Community Services Foundation, Inc.

Keith Martin briefly updated the City Council on Foundation activities to include their recent retreat with new Board Members. He also noted the Foundation is working on a survey to be distributed to all Villa Park residents asking their input regarding Foundation activities.

State of the School – Villa Park High School.

Nancy Jenkins, PFSO President, briefly updated the City Council on recent high school activities. Mrs. Jenkins was very proud to report that Villa Park was included in the US News and World Report 2008 list of Americas Best High School's placing in the top 500. She also mentioned the nationally recognized Every 15 Minutes program took place at Villa Park High School on Thursday, January 17th. Juniors and Seniors took part in the highly emotional re-enactment of an alcohol related crash in front of the high school.

Oath of Office – City Attorney's.

City Manager/City Clerk Domer administered the Oath of Office to City Attorney Todd Litfin, Assistant City Attorney Terence Gallagher, and Deputy City Attorney Glen Worthington.

Introduction of New Villa Park Sheriff Deputy Doug Claypool.

City Manager Domer introduced Deputy Claypool mentioning he is a 12 veteran of the department and very enthusiastic to start working in the City of Villa Park as he grew up in the community and attended high school here.

ORAL COMMUNICATIONS

Don Ebrite, 18131 Lincoln Street, briefly commented on the introductions and presentations, however, wanted to bring to the attention of the City Council his opposition to the Orange County Sanitation District's proposed increase of sewer service charges.

Teri Elmendorf, 10291 Camden Circle, spoke regarding email that was recently distributed to community members in relation to Mayor Reese and his Committee selections last month.

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit No. 0674, a Request to Exceed the Roof Height Limit of Twenty-five (25') Feet for a New Roof Height Not to Exceed Twenty-eight Feet (28'7") Seven Inches; a Request to Increase the Allowable Floor Area from 32% to 34.6%; and a Request to Bring the Total Number of Garage Spaces on the Property to Four (4). Location: 9611 Brynmar Drive. Applicants: The MacGinnis Family.

Associate Planner Carson presented the staff report and was available for questions.

Mayor Reese opened the public hearing.

Donald and Doug MacGinnis, applicants, spoke in favor of their project.

Mayor Reese stated he reviewed the project and has no opposition toward it.

Councilmember Freschi mentioned it is always nice to see the second generation move in with the first and has no opposition toward the project.

Mayor Pro Tem Rheins asked the applicant to further clarify why they are seeking approval to increase the roof height and floor area.

In response to Mayor Pro Tem Rheins, Doug MacGinnis stated approximately 10% of the roof is at 28'7" and the rest, about 90%, conforms to the 25' max. Proportionally, the house looks architecturally better with the 28'7" roof height. Regarding the floor area, after speaking with City staff the house was trimmed down and any further reduction in square footage will make this design difficult to implement.

Councilmember Pauly noted several letters were received from surrounding neighbors approving of the project and the only concern relates to the length of construction. She then questioned the timeline of construction.

City Manager Domer and Associate Planner Carson confirmed the Municipal Code now has a timeline for construction based on the square footage of the build; this particular property will fall under the 5,000 – 10,000 sq. ft., 18 month category.

Councilmember Pauly questioned if this addition will count towards the City's RHNA numbers. City Manager Domer confirmed it would because of the secondary unit.

There being no further public testimony, Mayor Reese closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2008-2981, approving Conditional Use Permit No. 0674:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Pauly, Ulmer, Rheins, Reese |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

2. Consideration of Ordinance No. 2008-530, An Ordinance of the City Council of the City of Villa Park Amending Chapter IX of the Villa Park Municipal Code Adopting by Reference the California Codes of Regulations Title 24, Parts 1-12, Known and Designated as the 2007 Edition of the California Building Code, 2007 Edition of the California Electrical Code, 2007 Edition of the California Plumbing Code, 2007 Edition of the California Mechanical Code, 2007 Edition of the California Administrative Code, 2007 Edition of the California Reference Standards Code, 2007 Edition of the California Energy Code, 2007 Edition of the California Elevator Safety Construction Code, 2007 Edition of the California Historical Building Code, and 2007 Edition of the California Existing Building Code, Making Amendments Thereto, and Amending Chapter XI of the Villa Park Municipal Code Adopting by Reference the 2007 Edition of the California Fire Code, Making Amendments Thereto, Related Actions and Adoption of Resolution 2008-2984.

City Manager Domer read the title and introduced City Attorney Litfin.

City Attorney Litfin presented the staff report stating every three or four years the State of California adopts better and improved building standards. The City is allowed, under law, to make certain amendments to these codes if there are local conditions which warrant it. These conditions must be based on topographic, climactic or geologic reasons. The attached Resolution makes certain findings that, based on these local conditions, are making changes to the code that are more stringent than state law, primarily in the Fire Code. Additionally, it is important to note, these changes were recommended by the Orange County Fire Authority. City Manager Domer clarified that several items were removed based on local need, to include the deletion of emergency helicopter landing areas and code updates related to manufacturing.

Mayor Reese opened the public hearing. There being no public testimony, Mayor Reese closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2008-2984 and approve the first reading of Ordinance No. 2008-530:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Ulmer, Pauly, Rheins, Reese |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Councilmember Pauly requested, when this item is brought back, that further clarification be given as to why the City needs to incorporate the high rise building definition and section.

CONSENT AGENDA

3. Consideration to Waive Reading in Full of all Ordinances, Resolutions and Meeting Minutes on the Agenda. Approved Action: That the City Council Waive Reading in Full of all Ordinances, Resolutions and Meeting Minutes on the Agenda.
4. Consideration of City Council Minutes of November 27, 2007. Approved Action: That the City Council Approve the Minutes of November 27, 2007.
5. Consideration of City Council Minutes of December 18, 2007. Approved Action: That the City Council Approve the Minutes of December 18, 2007.
6. Consideration of the List of Demands from December 12, 2007 to January 13, 2008. Approved Action: That the City Council Approve the List of Demands in the Amount of \$77,796.57.
7. Consideration of Treasurer's Report for the Month of December. Approved Action: That the City Council Receive and File the Treasurer's Report for the Month of December.
8. Consideration of County of Orange City Aid Program Agreement for FY 2008/2009. Approved Action: That the City Council Approve the County of Orange Proposition 42 City Aid Agreement and Authorize the Mayor to Sign.

9. Consideration of Second Quarter Financial Report for Period Ending December 31, 2007.
Approved Action: That the City Council Receive and File the Quarterly Report for Period Ending December 31, 2007.

Councilmember Pauly requested confirmation that the corrections will be made to the Minutes of November 27, 2007 and December 18, 2007. City Manager Domer confirmed they would.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to approve the consent agenda items numbered 3, 4, 5, 6, 7, 8, and 9:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Rheins, Pauly, Ulmer, Reese |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

MATTERS PRESENTED BY COUNCILMEMBERS

10. Travel and Meetings.

Mayor Pro Tem Rheins, Councilmember Ulmer, Councilmember Pauly and Mayor Reese reported on the League of California Cities, Orange County Division meeting that was held Thursday, January 10, 2008.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to receive and file the Travel and Meeting Report detailing reimbursed meetings, conferences or seminars for the time period of December 12, 2007 to January 13, 2008:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Pauly, Rheins, Freschi, Ulmer, Reese |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Mayor Pro Tem Rheins reported on the Friends of the Villa Park Library meeting this month highlighting the booth they staffed during the annual boat parade. He also mentioned the Friends wrote a \$5,000 check made out to the Villa Park Library to be used for books; they have also pledged another \$5,000 this year.

Councilmember Freschi mentioned he was told there in a 98% chance the next City Council meeting will be streamed on the internet.

Councilmember Freschi stated the City's search for another source of police protection is not going very well. He suggested that the City Council should consider terminating the police services review. In response to Councilmember Freschi, City Manager Domer stated a police services review will be brought forward in February.

Councilmember Freschi stated last month the City Council spoke about the Volunteer Center of Orange County and wondered if the City has done anything with that. In response to Councilmember Freschi, City Manager Domer stated he has contacted the center and needs to confirm that all necessary paper work has been turned in.

Councilmember Ulmer suggested and motioned that City Council should go on record and draft a letter in support of Supervisor Bill Campbell's recommendation of conducting a national search for Sheriff Corona's replacement. Councilmember Freschi seconded the motion.

Councilmember Pauly questioned if this letter will be brought back in February for consideration since it was not an agenda item.

In response to Councilmember Pauly, City Attorney Litfin stated it is the discretion of the Council; this is a ministerial matter and wouldn't necessarily have to come back if the Council is ok with just the Mayor looking at it and signing it.

Councilmember Ulmer's motion was approved by a unanimous voice vote.

Councilmember Pauly mentioned Serrano Water District held a meeting this morning in which they decided to put it to a vote of the people and hold an election on June 3, 2008 for Ken Henderson's replacement. Any resident that is interested and lives within the Division 1 boundaries is eligible to pull papers at the Registrar of Voters office.

Councilmember Pauly requested the status of the relocation of Center Street electric poles and street signs. City Manager Domer briefly replied that at a recent meeting with Larry Labrado they walked Center Street discussing potential right-of-way, easement and relocation issues.

Councilmember Freschi questioned if the City would incur any costs when the Edison Company relocates the poles. City Manager Domer replied they may be some costs based on who is responsible for paying for the relocation; however, costs are unsure at this point.

Councilmember Pauly mentioned with the new Technology/Internet Committee she would like to develop a policy for advertising on the City's website. For example: who can advertise, how they advertise, what are our ad rates, and what constitutes a business that furthers the economic welfare of Villa Park. She mentioned she would like to see a policy developed for advertising in the newsletter as well. She mentioned she does not want the newsletter to end up being 80% advertising and 20% information. The City needs a policy in place so down the road; whoever's there will know what Villa Park's standards are.

In response to Councilmember Pauly, City Manager Domer stated he can research what other cities have in place. What is currently on the website is a business directory primarily promoting businesses here in the Towne Centre. There also is a section for local businesses and what this is, is either a business that is owned by a Villa Park resident or a Villa Park home based business. He stated there is clearly a need for a website advertising and usage policy. The City now has a website terms and conditions policy on there as suggested by a risk management review. In regard to the newsletter, offering advertising is an attempt to underwrite the production of costs. The business highlights would look the same and is simply a single page, double sided color insert done in an article fashion so no City information is displaced.

Councilmember Pauly noted that at the December 18, 2007 meeting they were told VPTV3.org was close to streaming City Council meetings on the internet and that is still not up. She mentioned people are anxiously waiting to view these meetings via the internet.

CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS

Councilmember Ulmer mentioned the Community Development Committee had their first meeting of the year and is happy to report the cell tower in the Towne Centre will shortly disappear and become a pine tree. Additionally, he congratulated Associate Planner Carson for his work in developing property maintenance standards based on a review of other city's codes, including the City of Covina's standards.

In response to Councilmember Ulmer, Associate Planner Carson mentioned Intern Matt Evans has helped out greatly in developing those standards and should be commended by the Council for his actions.

Councilmember Freschi, in response to Mr. Ebrite's comments earlier in the meeting, mentioned the Sanitation Board of Directors is opposed to raising the sewer service charge fees as well; however, part of the increase is due to the replacement of infrastructure items that can no longer be delayed. Another reason the increase can be credited to the expanding services the District provides, such as the process of transforming sewage water into drinking water and the disposal of bio-solids.

Councilmember Freschi also reported the Orange County Vector Control District has come across a probable endemic. In the first few weeks of the year 4 adults have contracted endemic typhus which is transmitted by infected fleas. In 2007 there were 6 cases and 4 already this year. The District recommends to put flea medication on animals and not to leave food around over night.

Mayor Reese reported the City/Schools Advisory Committee met briefly on January 17, 2008 before the Every 15 Minutes program. The Committee continued a discussion of a possible crossing guard at Nichols and Serrano.

Mayor Reese reported on December 14, 2007 the Human Resource Committee interviewed Joe O'Neil, possible candidate to replace City Engineer Repke.

ITEMS FOR CONSIDERATION

11. Consideration of Appointment of William J. "Joe" O'Neil as City Engineer.

City Manager Domer and City Engineer Repke presented the staff report and introduced William J. "Joe" O'Neil briefly mentioning his 40 plus years of experience with the cities of Los Angeles, Buena Park, Lakewood and Rancho Cucamonga.

Joe O'Neil thanked the City Council, City Manager Domer and City Engineer Repke for their support and the opportunity at hand mentioning he will enjoy the hands on aspect Villa Park and the ability to get out and meet residents.

It was moved by Councilmember Freschi, seconded by Mayor Reese and carried by the following roll call vote to adopt Resolution No. 2008-2983, appointing Mr. William J. "Joe" O'Neil as City Engineer:

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|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Reese, Pauly, Ulmer, Rheins |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

12. Consideration of Application for County of Orange Integrated Waste Management Department's Regional Recycling and Waste Diversion Grant Program.

City Manager Domer presented the staff report and was available for questions.

Brief Council discussion took place regarding the placement and appearance of trash and recycling bins in the Towne Centre.

Councilmember Pauly asked City staff to research the possibility of holding e-waste collection event's as fundraisers for various community organizations.

It was moved by Mayor Pro Tem Rheins, seconded by Mayor Reese and carried by the following roll call vote to approve of the proposed program authorizing the City Manager to apply for the Regional Recycling and Waste Diversion Grant Program executing applicable documents; and to adopt Resolution No. 2008-2982, regarding the Regional Recycling and Waste Diversion Grant Program:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Reese, Freschi, Pauly, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

13. Consideration of Increase to Employee Coverage of Group Life and AD&D Plan Insurance to a Flat Benefit of \$50,000 and Revise Policy with Standard Insurance Company to Reflect the Benefit Change.

Finance Manager Danaher presented the staff report and was available for questions.

Mayor Pro Tem Rheins mentioned he felt \$50,000 was a minimal amount of life insurance to provide to our employees and a good thing to do.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Pauly and carried by the following roll call vote to approve of the flat rate of \$50,000 insurance for full-time employees (excluding the City Manager) authorizing the City Manger to execute applicable documents with Standard Insurance Company and make appropriate changes to City documents:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Pauly, Freschi, Ulmer, Reese |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

14. Consideration of Policy Direction on Villa Park Schools Building Restoration and Orange Unified School District Preparation of Environmental Impact Report.

City Manager Domer presented the staff report and was available for questions.

Jill Kuli, 9481 Henderson Way, stated around 10 years ago the City Council adopted Resolution No. 1999-2425 that asks the Orange Unified School District to explore all possible ways to restore the buildings for educational purposes in lieu of demolition. Since that time the buildings have been put on the national registry which does not protect them forever. Mrs. Kuli stated she felt the City Council has the responsibility to consider what part of history those buildings bring to our community.

Teri Elmendorf, 10291 Camden Circle, read a statement that was written by Steve Palmer in support of the school buildings.

City Council discussion ensued to determine the next appropriate action that would be taken with regard to the school building restoration and environmental impact report. Refer to meeting DVD for detailed information.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Freschi and carried by the following roll call vote authorizing the City Manager to facilitate a meeting with the Orange Unified School District, Villa Park Home and School League, Villa Park Restoration Corporation and select members of the Villa Park Community to discuss the options for saving the Villa Park School Buildings:

| | | |
|---------|-----------------|-------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Freschi, Ulmer, Reese |
| NOES: | COUNCILMEMBERS: | Pauly |
| ABSENT: | COUNCILMEMBERS: | None |

Councilmember Pauly commented she voted against this item because the City Manager's job is to manage the day-to-day operations of the City, not to act as a facilitator between a private corporation and an outside governmental agency.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote appointing Mayor Reese and Mayor Pro Tem Rheins as the City's representative for the meeting:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Ulmer, Pauly, Rheins, Reese |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

15. Consideration of Statewide General Waste Discharge Requirements for Sanitary Sewer Systems – Sanitary Sewer Management Plans.

City Manager Domer presented the staff report and was available for questions.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the Development Plan and schedule for the City of Villa Park Sanitary Sewer Management Plan as required by the State Water Resources Control Board:

| | | |
|---------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Pauly, Ulmer, Rheins, Freschi, Reese |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

16. Consideration of Opposition to Assembly Bill 1457 (Huffman) Regarding State Park Veto Authority Over Proposed Roads.

Assembly Bill 1457 (Huffman) failed to gain approval from a committee prior to the Council Meeting. The item was withdrawn.

17. Consideration of Strategic Financial Planning Goals for 2008-2009 Budget Preparation and Strategic Financial Planning Process.

City Manager Domer presented the staff report changing the recommendation to receive and file. City Manager Domer asked Council to review these goals throughout the next month for discussion in February.

Councilmember Pauly suggested holding a Town Hall Meeting to discuss these goals. City Manager Domer recommended that City Council discuss these goals at the February meeting and at that time consider setting Town Hall meeting date for March.

It was moved by Councilmember Ulmer, seconded by Councilmember Pauly and carried by a unanimous voice vote to receive and file the Strategic Financial Planning Goals.

STAFF REPORTS

City Manager/City Clerk

City Manager Domer reported the City's Rule 20A under grounding funds will not be taken away as previously thought.

Finance Department – No Report.

City Attorney

City Attorney Litfin mentioned the swearing in ceremony was conducted because there was a Judge in Los Angeles that did not let a City Attorney prosecute some code enforcement actions because he had not been sworn in under the Constitution. The ceremony tonight was not merely for show, but to be legally sound.

City Engineer

City Engineer Repke reported the Orange County Transportation Authority has completed the grant application review process and both of the City's projects made the priority list. Those projects are trail and landscaped median projects along Lemon Street from Villa Park Road to Santiago Boulevard. The OCTA board will consider final approval at their meeting on January 28, 2008.

Planning Department - No Report.

ORDINANCES

None.

RESOLUTIONS

None.

ORAL COMMUNICATIONS

Jill Kuli, 9481 Henderson Way, addressed the success of the Every 15 Minutes program.

Teri Elmendorf, 10291 Camden Circle, addressed comments made by Councilmember Pauly prior in the meeting through electronic mail format to members of the community that she felt were inappropriate.

CLOSED SESSION

None.

ADJOURNMENT

It was moved by Mayor Reese and carried unanimously to adjourn at 10:41 p.m.

Brad Reese, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park