

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, March 25, 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
William "Joe" O'Neil	City Engineer
Warren Repke	Assistant City Engineer
Michelle Danaher	Finance Manager
Jason Carson	Associate Planner
Jarad Hildenbrand	Assistant to the City Clerk

FLAG SALUTE

Madeline Young and Katie Barber from Serrano Elementary lead the Flag Salute. Mayor Reese presented them with a City pin and gift certificate to Rockwell's Bakery.

INTRODUCTIONS AND PRESENTATIONS

Presentation of Academic Achievement Award to Lauren Jacobsen, A Senior at Lutheran High School of Orange County.

Mayor Reese read a biography about Lauren and presented her with a certificate of achievement and gift certificate to First Class Pizza.

State of the School – Cerro Villa Middle School.

No one present.

Representative of the Villa Park Community Services Foundation, Inc.

Nic Versteeg, Treasurer, updated the Council on Foundation activities to include an update on the Villa Park History Book and Family Picnic scheduled for May 25, 2008.

Presentation to Division Chief Richard Witesman Upon His Retirement.

Mayor Reese presented Division Chief Witesman with a Resolution, read a brief biography about him, and expressed his heartfelt appreciation for his years of service to the OCFA and the residents of Villa Park. Chief Witesman thanked the City and made brief remarks on the relationship he and the OCFA have had with Villa Park and its residents.

Presentation to City Engineer Warren Repke Upon His Retirement.

Mayor Reese presented City Engineer Warren Repke with a plaque and commended him for his years of service. City Manager Domer stated that during Warren's time the City was highly successful in receiving numerous grants for public work projects.

Presentation for Kathy Barr of AT&T.

Ms. Barr reported that AT&T now offers a new product called U-Verse to City residents. U-Verse is competition to cable, it is simply video on demand. Additionally, it provides the City a franchise fee for those switching from satellite.

ORAL COMMUNICATIONS

None.

PUBLIC HEARINGS

1. Consideration of Resolution No. 2008-2992, A Resolution Declaring Conditions at 10532 Center Drive, Villa Park, California to Constitute a Public Nuisance, Ordering the Correction of Said Nuisance and Authorizing Abatement.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report stating this is the continuance and reopening of the public hearing from March 11, 2008. At this time staff recommends continuation to the April 22, 2008 meeting. In communication with representatives of the home owner, the home is within days of being sold and in the City's eyes the transfer of the property is the best thing to occur.

Mayor Pro Tem Rheins questioned what problems it would cause the owner if it was declared a public nuisance tonight.

In response to Mayor Pro Tem Rheins, City Manager Domer stated he does not know the legal real estate issues that would arise, but that the perception would cloud the transaction. City Attorney Litfin added it would add complexity to any transaction that would occur.

Councilmember Pauly wanted to clarify that all potential buyers were being made aware of the situation within the home and the City's possible actions.

In response to Councilmember Pauly, City Manager Domer stated they were being made aware. The owners are represented by local real estate agent Lesslie Giacobbi who prepared an extensive two page disclosure notice as to everything potentially wrong with the house.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to continue the public hearing to the April 22, 2008 City Council meeting:

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

Mayor Reese continued the public hearing to the April 22, 2008 City Council meeting.

2. Consideration of Conditional Use Permit No. 0678, A Request to Exceed the Height Limit of Twelve (12) Feet for Outdoor Living Areas/Patio Covers for a New Height Not to Exceed Thirteen Feet, (13'8") Eight Inches. Location: 18742 Monte Vista Circle. Applicants: Tom & Cathi Croal.

Mayor Reese opened the public hearing.

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

Councilmember Ulmer questioned if a condition of approval requiring the maintenance of the existing mature landscape in the rear yard could be added to the resolution.

In response to Councilmember Ulmer, City Manager Domer stated if such a condition is proposed he suggested it to read: if landscaping in the rear yard is removed, it is to be replaced with a like species and quantity but cautioned that any replacement would be less of a screen initially than that removed.

It was moved by Councilmember Ulmer, seconded by Councilmember Freschi and carried by the following roll call vote to adopt Resolution No. 2008-2994, approving Conditional Use Permit No. 0678 with the condition that if landscaping in the rear yard is removed, it is to be replaced with a like species:

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

CONSENT AGENDA

Councilmember Pauly pulled item number 5 for further discussion.

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 with the exception of item number 5:

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

The Consent Agenda consisted of the following items:

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 February 26, 2008. Approved Action: That the City Council Approve the Minutes of February 26, 2008.
6. Consideration of Treasurer's Report for the Month of February. Approved Action: That the City Council Receive and File the Treasurer's Report for the Month of February.
7. Consideration of Proclamation – DMV/Donate Life California Month. Approved Action: That the City Council Support said Proclamation and Declare April 2008 as "DMV/Donate Life California Month" in the City of Villa Park.
8. Acting as Members of the Villa Park Community Services Foundation, Consider the Recommendation of Bylaw Changes as Approved by the Board of Directors. Approved Action: That the City Council Continue to the April 22, 2008, Meeting.

The following item was pulled from the Consent Agenda for individual consideration:

5. Consideration of the List of Demands from February 9, 2008 to March 12, 2008.

Councilmember Pauly pulled item number 5 to bring the cost of law enforcement services to everyone's attention and asked City Manager Domer to give an update.

In response to Councilmember Pauly, City Manager Domer stated around September/October of this fiscal year contract negotiations completed to include retroactive increases back to last fiscal year. What we are seeing now is an increase around \$11,000 per month until the end of the Fiscal Year to cover those retroactive costs.

It was moved by Councilmember Pauly, seconded by Councilmember Freschi and carried by the following roll call vote to approve the List of Demands in the amount of \$216,258.81:

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

MATTERS PRESENTED BY COUNCILMEMBERS

9. Travel and Meetings.

Mayor Reese, Mayor Pro Tem Rheins, Councilmember Freschi, Councilmember Pauly, and Councilmember Ulmer reported on the League of California Cities, Orange County Division meeting held March 13, 2008.

Mayor Reese, Councilmember Pauly, Councilmember Freschi, and Mayor Pro Tem Rheins reported on the Twentieth Annual Sheriff's Medal of Valor Luncheon held March 21, 2008.

It carried by a unanimous voice vote to receive and file the Travel and Meeting report detailing reimbursed meetings, conferences or seminars for the time period of February 26, 2008 to March 25, 2008.

10. Individual Councilmember Items.

Councilmember Freschi requested that the Council support the City of Orange in their effort to oppose the County's proposal of the early release of 300 inmates.

It carried by a unanimous voice vote to direct staff to review the early release proposal and return to Council with detailed information.

Councilmember Freschi questioned if the City has received feedback regarding the resolution in support of our Military. In response to Councilmember Freschi, City Manager Domer stated the City has not.

CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS

Mayor Pro Tem Rheins reported on the special meeting of the Investment Advisory Committee held to review the City's investments in the Orange County Investment Pool (OCIP) and their investments in Whistlejacket Capital, which is in technical default.

Councilmember Ulmer reiterated that Villa Park citizens should feel comfortable in having the City's money in the OCIP.

Councilmember Pauly asked if it would be appropriate to invite Orange County Treasurer-Tax Collector Chriss Street to give a presentation at the next meeting.

Councilmember Rheins reported at the Friends of the Villa Park Library meeting they discussed the Villa Park 5K Run/Walk which is going to be held May 25, 2008. They also discussed the plans for the renovation. It is expected that the renovation will start between mid-May and June. Additionally, 28 days notice will be given as the library will be closed during the complete renovation.

Mayor Reese reported on the City/School's meeting in which they discussed the School Resource Officer position. He also reported on a grant workshop at the Orange County Fire Authority that was put on by Ed Royce and a Mothers Against Drunk Driving event at the Nixon Library. Mayor Reese noted the Orange County Fire Authority has proposed to add a 4th man at twelve of their fire stations which would be called Wildland Interface Stations. Hiring these 36 men, one for each shift would cost 5.4 million dollars per year. Mayor Reese stated he proposed cost cutting alternatives that satisfy exactly what OCFA wants.

Councilmember Ulmer reported the Community Development Committee discussed a property on Edgewood and its proposed remodel. The Committee additionally revisited the possibility of a stop sign at Lemon and Valley, as well as discussed the proposed aggressive solicitation ordinance which has been court tested and judicially reviewed.

Councilmember Pauly reported the Serrano Water District completed the testing of equipment to help them decide whether they will go with UV or O-zone as a new treatment method. The State requires this equipment to be online by 2011. The District is also working on establishing priority access cards to Irvine Lake specifically for Villa Park residents.

Councilmember Pauly reported on the Public Utilities Committee and their meeting with OneFi Technologies who hopes to provide free wireless internet in the Towne Centre doubling as a test site.

Councilmember Pauly stated on March 17, 2008 the Environmental Committee had their inaugural meeting. It was an informational meeting discussing the issues they would oversee.

Councilmember Pauly reported the Public Utilities Committee met with Villa Park Disposal to discuss the proposed 2008-09 contract rates. These rates will be noticed according to, and in compliance with, proposition 218. The proposed adjustment is 3.92% based on the Consumer Price Index which would also cover fuel costs for the hauler.

Councilmember Freschi reported on the Orange County Water Advisory meeting as well as the Orange County Sanitation District's meeting.

ITEMS FOR CONSIDERATION

11. Consideration of Amending the Mayer Hoffman McCann, P.C. Audit Contract with Additional SAS Requirements.

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

Councilmember Ulmer commended Finance Manager Danaher for taking on the task of completing many of these SAS requirements, as well as noting this is another unfunded state mandated.

Councilmember Pauly questioned why the contract was only being extended through June 30, 2008.

In response to Councilmember Pauly, City Manager Domer stated the extension will cover our audit through the 2007/2008 fiscal year. The City plans to issue a request for proposal for auditing firms in the 2008/2009 fiscal year.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to amend the Contract with Mayer Hoffman McCann, P.C. to extending it through June 30, 2008, and authorizing the City Manager to execute:

AYES: COUNCILMEMBERS: Freschi, Rheins, Pauly, Ulmer, Reese

NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

RECESS

12. Consideration of Third Party Review of Villa Park Community Access Television Corporation, Technical Issues, and Needs of Community for Public Access Television Programming.

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

General discussion ensued relating to Villa Park Cable Access Television, their operation, type of programming, technological issues such as streaming on the internet, as well as the possibility of an independent review committee. Refer to the meeting DVD for detailed information.

Villa Park Cable Access Television Board Members Don Coppersmith, Teri Elmendorf, Jim Mongell and Villa Park High School media student Dustin Downing spoke in favor of Villa Park Television.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to continue the item to the April 22, 2008, City Council meeting and form a committee of two City Councilmember's with the Villa Park Television Board of Director's to develop a plan of attack to maximize Villa Park Television to include streaming and other technological options:

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

Mayor Reese nominated himself. Councilmember Pauly nominated herself. After a brief discussion, Councilmember Freschi proposed the Mayor and Mayor Pro Tem.

It was moved by Councilmember Freschi, seconded by Mayor Reese and carried by the following roll call vote nominating the Mayor and Mayor Pro Tem to serve on the committee:

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

13. Consideration of Rearranging the Order of Business for City Council Meetings.

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

Councilmember Freschi commented he was pleased the special meetings were left out of the Resolution and to be scheduled as needed.

It was moved by Mayor Reese, seconded by Councilmember Freschi and carried by the following roll call vote to adopt Resolution 2008-2998, setting the format for City Council meetings to include an earlier starting time of 6:30 PM and the setting of Study Sessions at 5:00 PM as needed:

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

14. Consideration of Authorization to Advertise for Sealed Bids – 2008/2009 Street Maintenance Project.

City Engineer O'Neil presented the staff report and was available for questions.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the plans, specifications and contract documents entitled "2008/2009 Street Maintenance Project" and to authorize the City Engineer and City Clerk to advertise for construction bids:

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

15. Consideration of Orange County Transportation Agency's Go Local Program Final Report.

City Manager Domer, City Engineer O'Neil and Assistant City Engineer Repke presented the staff report and were available for questions.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Freschi and carried by the following roll call vote to Receive and File the OCTA Go Local Report and; Direct the City Manager to send a letter to OCTA stating that a project will not be submitted for the Go Local Phase 2 call for projects, expressing appreciation for the Phase 1 Study and stating that the City could support OCTA operating and fully financing the fixed route with route deviation preferred concept identified in the report as long as it did not impact any other Measure M funding to the City:

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

16. Consideration of Draft Temporary Sign Ordinance to Include Political Restrictions.

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

Councilmember Freschi questioned if it was possible to place a banner across one of our streets advertising City events such as the Family Picnic, Boat Parade and Halloweenfest.

City Attorney Litfin stated the City is exempt and legal to do so as long as it is across a City owned street.

It was carried by a unanimous voice vote to direct City staff to send to the Community Development Committee for a recommendation on banner placement.

City Council discussion on the draft sign ordinance ensued regarding the verbiage of several sections as well as right of way placement issues. It was carried by Councilmember Ulmer, seconded by Mayor Reese and carried by a unanimous voice vote to incorporate said changes into the draft sign ordinance and place on the April 22, 2008 City Council meeting agenda for the first reading.

17. Consideration of Authorization to Issue a Request for Proposal for Fire Services Study.

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

City Council discussion ensued regarding the need for a professional review to determine the City's fire services needs and potential for alternative to the OCFA if the review showed that over the twenty year agreement period with the OCFA costs would not exceed that revenue from the Structural Fire Fund available to the City and as long as an alternative was equal to or better than current protection. Alternatives to be reviewed include using the City of Orange and implementing a volunteer based model such as the City of La Habra Heights. Refer to the meeting DVD for more information.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote to authorize the City Manager to develop a request for proposal for Fire Services Study, solicit responsible bids, and return to the City Council for consideration and award of contract:

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

Councilmember Pauly opposed because she felt the City should not spend \$20,000 on a consultant. She believes we can utilize the talent and knowledge of City residents to form a review committee.

18. Consideration of Resolution No. 2008-2997 Decreasing Speed Limits Near Schools.

City Manager Domer presented the staff report noting a letter submitted by resident Don Ebrite. Mr. Ebrite's letter recommends extending the 15 MPH zone south of Center Drive and east on Lincoln Street due to the afternoon pick-up.

Councilmember Freschi recommended reducing it as much as the law allows; where you can and as much as you can.

Mayor Pro Tem Rheins opposed stating a 15 MPH zone would create more complexity. What the City needs is traffic control, not another sign.

Councilmember Pauly agreed that the City needs to keep on the "safe crossing message" around the schools. She also stated people need to constantly be told 25 MPH is too fast around Villa Pak Elementary; the fact of the matter is that traffic needs to be slowed down.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2008-2997 and direct the City Manager and City Engineer to post the new speed limits accordingly:

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

STAFF REPORTS

City Manager/City Clerk

City Manager Domer announced the City is the successful recipient of two of the three Safe Routes to School grants. The grants include the Center Drive pole relocation in the amount of \$114,000 and \$42,000 for the countdown pedestrian signals and solar programmable flashers near the schools.

- Law Enforcement Issues – Lt. Tom Gallivan

Chief of Police Services Lt. Tom Gallivan provided the City Council with a brief update of the recent property crimes in the City. Lt. Gallivan complemented the citizens of Villa Park; over the last month there has been a significant increase in calls regarding suspicious activities, this means the residents are looking out for each other. As part of this increased awareness, the amount of residential burglaries has decreased each month since the beginning of the year.

Mayor Pro Tem Rheins suggested deploying the decoy car for deterrent purposes.

Councilmember Pauly stated it is important that the City receives these regular reports until the crime spree is under control and suggested moving it to the beginning of the meeting. Councilmember Pauly mentioned she received an email for a licensed locksmith in the City regarding bump proofing entry door locks. She suggested holding more frequent Neighborhood Watch meetings with guest speakers such as lock specialists.

Finance Department

No Report.

City Attorney

No Report.

City Engineer

No Report.

Planning Department

19. Property Maintenance Ordinance Update.

Associate Planner Carson stated the goal of the property maintenance ordinance is to consolidate information in Chapters VI and XXIII of the municipal code as well as introduce a few new Articles. The ordinance will assist City staff in maintaining the high standards of living Villa Park is used to.

Associate Planner Carson informed the Council the City is hosting an E-waste event on April 19, 2008, in the Towne Centre and encouraged residents to attend.

ORDINANCES

None.

RESOLUTIONS

20. Consideration of Resolution No. 2008-2995, A Resolution of the City Council of the City of Villa Park Adopting the National Incident Management System.

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 Resolution No. 2008-2995, adopting the National Incident Management System:

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

21. Consideration of Resolution No. 2008-2996, A Resolution of the City Council of the City of Villa Park in Appreciation of Division Chief Richard Witesman on the Occasion of his Retirement.

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 Resolution No. 2008-2996, Commending Division Chief Richard Witesman:

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

ORAL COMMUNICATIONS

None.

CLOSED SESSION

None.

ADJOURNMENT

It was moved by Mayor Reese and carried unanimously to adjourn at 11:38 p.m.

Brad Reese, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park