

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 27, 2007 at 7:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

**CALL TO ORDER** Mayor Ulmer called the meeting to order at 7:31 p.m.

**ROLL CALL**

**COUNCILMEMBERS PRESENT**

Rich Ulmer	Mayor
Brad Reese	Mayor Pro Tem
Deborah Pauly	Councilmember
James Rheins	Councilmember

**COUNCILMEMBERS ABSENT**

Rich Freschi	Councilmember
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**STAFF PRESENT**

Ken Domer	City Manager
Len Hampel	City Attorney
Warren Repke	City Engineer
Jason Carson	Associate Planner

**FLAG SALUTE**

Jake Kuli, a Sixth Grader from Serrano Elementary will lead the Flag Salute.

Mayor Ulmer presented Jake with a City pin and gift certificate to Rockwell's Bakery.

**INTRODUCTIONS AND PRESENTATIONS**

The Honorable Carolyn Cavecche, Chair, Orange County Transportation Authority.

Chair Cavecche, on behalf of OCTA, gave a presentation on the Renewed Measure M. The presentation is on file.

Presentation to Lt. Chris Visconti, Chief of Police Services, on His Retirement from the Orange County Sheriff's Department.

Mayor Ulmer read a brief biography about Lt. Visconti, mentioned some his career achievements with the Orange County Sheriff Department, including conducting his first patrol in Villa Park and serving for four years as the City's Chief of Police Services. The Mayor presented Lt. Visconti with a plaque honoring and congratulating him for his dedication and year's service, specifically to the residents of Villa Park.

Lt. Visconti thanked the Council and residents for support over the years and then presented the new Chief of Police Services for Villa Park, Lt. Tom Gallivan.

Lt. Gallivan gave brief remarks thanking Lt. Visconti again and the City of Villa Park for giving him the opportunity to work with the City.

Academic Achievement Award presented to Mackenzie Kraemer From Lutheran High School.

Mayor Ulmer presented Mackenzie with a City pin, certificate of academic achievement, and a gift certificate to First Class Pizza.

Recognition of Eagle Scout - Beau Lefferdink From Troop 850.

Mayor Ulmer read a short biography about Beau. Councilmember Pauly presented Beau with a certificate of achievement earlier in the month.

Presentation of Quarterly Award - Villa Park's Beautification Committee.

Moved to the April 24, 2007 Council meeting.

**ORAL COMMUNICATIONS**

Councilmember Pauly was served with a civil injunction, for reason cited, by a person named Steve.

Grace Bjornstad, 10551 Orangegrove Circle, mentioned that she was speaking on behalf of a political action committee registered with the Secretary of State known as Villa Park Citizens for Honest Government. She stated the Committee formed in support of a recall of Councilmember Pauly.

City Attorney Hampel interrupted and stated that from the introduction this sounds like we are talking about a political event known as a recall. This is beyond the jurisdiction of the City Council and is not appropriate to address at a Council meeting. The Brown Act is very clear in section 54954.3 (a); limits public comment to matters within the jurisdiction of the City Council. City Attorney stated any criticisms directed at a City

Council meeting are directed, under the Brown Act, to the City Council as a whole; to policies, to actions of the City Council, not an individual Councilmember. City Attorney Hampel stated he was not defending or condemning any particular individual, he is only suggesting the City Council follow the Brown Act and the Laws of California.

Mayor Ulmer stated that the City Council heard this concern before and the issue of a recall cannot be brought forward to the City Council.

Ms. Bjornstad stated she was here to serve Councilmember Pauly with a Notice of Intent to Circulate a Recall Petition.

Mayor Ulmer closed further communications on the subject of a recall.

With no other public comments, Mayor Ulmer closed oral communications.

### **PUBLIC HEARINGS**

None.

### **CONSENT AGENDA**

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action. That the City Council waive reading in full of all Ordinances on the Agenda.
2. Consideration of City Council Minutes of February 27, 2007 - Special Meeting with the Villa Park Community Services Foundation. Approved Action. That the City Council Approve the City Council Special Meeting Minutes of February 27, 2007
3. Consideration of City Council Minutes of February 27,2007. Approved Action. That the City Council Approve the City Council Minutes of February 27, 2007.
4. 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.
9. Consideration of Approval of Final Parcel Map No. 98-182. Location: Northwest Corner Loma Street and Cannon Street; Applicants: Emile and Hadia Kheir. Approved Action. That the City Council Approve Final Parcel Map No. 98-182. Location: Northwest Corner Loma Street and Cannon Street; Applicants: Emile and Hadia Kheir.

Councilmember Pauly pulled items numbered 5, 6, 7, 8, and 10.

It was moved by Councilmember Rheins, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to approve Consent Agenda, items numbered 1, 2, 3, 4, and 9:

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

5. Consideration of List of Demands from February 20, 2007 to March 19, 2007 Approved Action. That the City Council Approve the List of Demands in the Amount of \$491,627.55.

Councilmember Pauly pulled item number 5 to question why Letty O'Halloran was paid \$125.00 to complete the minutes of February 6, 2007.

City Manager Domer stated those were the minutes of an Investment Advisory Committee meeting. The City does utilize the services of Ms. O'Halloran on an as needed basis, and at that time it was deemed necessary to send out the minutes. As of now, Assistant to the City Clerk Hildenbrand is responsible for the City Council minutes.

Councilmember Pauly also mention that we now show \$303,351.00 in revenues under sewer maintenance. She wondered at what point Council is going to see a plan and spend the money.

City Manager Domer stated that City Engineer is currently working on finalizing the plan and construction is expected to start at the end of this fiscal year.

City Council discussion ensued and no further action was taken.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to approve Consent Agenda item number 5:

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

6. Consideration of Proclamation - National Crime Victims' Rights Week. Approved Action. That the City Council support said Proclamation and direct staff to send it to the Greater Orange County Chapter of Parents Of Murdered Children.
7. Consideration of Proclamation - Recording for the Blind & Dyslexic's, Record-A-Thon Week. Approved Action. That the City Council support said Proclamation and direct staff to send it to the Recording for the Blind & Dyslexic Center.

8. Consideration of Proclamation - West Nile Virus and Mosquito and Vector Control Awareness Week. Approved Action. That the City Council support said Proclamation and direct staff to send it to the Orange County Vector Control District.

Councilmember Pauly pulled items numbered 6, 7, and 8 because she wanted to bring the proclamations to the public attention. If the City Council wants to issue proclamations, in the future they should not be hidden in the Consent Agenda.

City Manager Domer mentioned to help publicize the proclamations a list could be added to the E-network and to the City's website.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to approve Consent Agenda items numbered 6, 7, and 8:

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

10. Band Sponsored Car Show Parking Request for May 12, 2007. Approved Action. That the City Council authorize the City Traffic Engineer and City Manager to review the parking restrictions on Taft Avenue and authorize the placement of temporary signs allowing parking along Taft Avenue where appropriate to accommodate the event. In addition, that the City Council require that Villa Park High School assist with traffic control and direction during the event by providing volunteers or staff to help direct parking within the parking lot and overflow parking onto the street.

Councilmember Pauly pulled item number 10 because she wanted our citizens to be made aware of parking situation around the high school on the day of the car show. She also mentioned this is an opportunity for our residents to support the Villa Park High School band; they are one of the best in the State and if there is a chance to support them we should.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to approve Consent Agenda item number 10:

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

## **MATTERS PRESENTED BY COUNCILMEMBERS**

### 11. Travel and Meetings.

Councilmember Pauly, Councilmember Rheins, Mayor Pro Tem Reese, and Mayor Ulmer reported on the League of California Cities General Meeting held March 8, 2007. The topic for the meeting was "When Our Right-of-Way Became Our Wrong-of-Way."

Councilmember Rheins mentioned the Orange County Sheriff's Department Medal of Valor Ceremony. Sheriff Deputies were awarded Medals of Valor, Medals of Courage, Medals of Merit, Medals for Lifesaving, and Purple Hearts. Villa Park Deputy Lillian Granillo was honored with a Medal for Lifesaving. Within her first couple weeks in Villa Park she was first on-scene to a medical emergency call where she performed life-saving CPR on a non-responsive infant.

Councilmember Rheins mentioned that a one of his duties as Finance Chair is to review the list of demands before they are paid. One item he reviewed was a check written to VPTV for a percentage of the City's franchise fees received from Time Warner. VPTV is a very deserving organization, however he questioned if the City had a resolution calling out just what we were supposed to be giving to them.

City Manager Domer stated that a resolution from 1997 shows that the City should share 43% of the franchise fees with VPTV, currently the City is sharing 50%. City Manager Domer recommended that the City Council adopt a new resolution next meeting resetting that fee. Also, the City should look at incorporating it into the budget.

Mayor Ulmer mentioned the Donate/Life Run Walk Mayor-a-thon which is going to be held April 28, 2007 at California State University, Fullerton.

## **CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS**

Councilmember Pauly mentioned the Orange City/Schools Committee met on March 19, 2007 in which they discussed graffiti abatement in Orange. The committee meets sporadically which lead her into her next item of the Villa Park City/Schools Committee. The Committee met March 21, 2007. She formally asked the City Council to establish a Villa Park City/Schools Committee as a new Council Committee. At the School Board meeting Thursday, March 29, 2007 it was reported that Dr. Godley is requesting that the Board of Education direct him to sit with City Manager Domer to establish guidelines for joint meetings. Councilmember Pauly would also like to direct City Manager Domer to work with Dr. Godley as well. If the Committee is to be established as a joint committee, those guidelines need to be brought back before the Council for approval. If it is not a joint committee, then it can be set up as a Committee of the City and the City Council can simply invite OUSD to participate.

Mayor Ulmer noted that they have met as a City/Schools Committee labeled Villa Park for 3 consecutive months. In that time the City has received tremendous cooperation from individuals and parents from the school district, led by resident Denise Bittel.

City Council discussion ensued.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to add the consideration of City/Schools Committee to the April agenda:

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

Councilmember Rheins stated there was no Finance/Risk Management meeting this month.

Mayor Ulmer reported that Foundation and Special events meetings are taking place; they have been quite active and redirection is coming from within.

Councilmember Pauly spoke on the Public Utilities Committee. A meeting took place on March 13, 2007 and Serrano Water has finished the repairs on the water pipes and the final paving is being completed. The ground water supply at Irvine Lake is dwindling and SWD is being forced to shut down the supply of water they sell to the City of Orange in order to meet the demands of Villa Park. They are also forced to buy water to get through the year. A 10% increase in water rates is expected for next year. The Water District board passed a resolution to begin their meetings with a moment of silence.

Councilmember Rheins reported the Capital Improvement Committee did not meet this month.

Mayor Ulmer reported that the Community Development and Public Safety Committee met March 8, 2007. A landscape plan for 19222 Valley Drive was reviewed and passed with flying colors. Also during the meeting, comments were received about struggles in turning into Roberto Street from Collins. In the interest of safety the City Manager was authorized to re-mark the curbs.

Mayor Ulmer also stated that during the last City Council meeting while discussing the importance of the Committee system, he did not conduct himself as professionally as he would like too. He felt strongly in both ways and said he would not change much else in terms of the actions the City Council took.

City Manager Domer reviewed the City code and similar actions taken in 2002. The item will be brought back for consideration to codify parking restrictions for Roberto and other streets which may not have been codified to date.

Councilmember Pauly asked the CDC to look at structure on Via Bravo in regards to a letter that she received.

Associate Planner Carson stated they have been working with the resident to come to a conclusion in providing the landscape screening. As of today the resident issued a letter stating his intention to meet the City's requirements on providing landscape screening.

City Council discussion ensued with no further action taken.

Councilmember Pauly mentioned the Library/Civic Center met March 1, 2007 and a fundraising dinner was held March 19, 2007. Helen Fried is the new County Librarian and the Friends of the Library are working on a website which anyone can access and download a donation form. Also, Councilmember Pauly highlighted the Chocolate, Jazz, and Wine Women's League event scheduled for May 6, 2007 this is their only fundraising event and they could use help in making this a successful event.

Mayor Ulmer reported that Human Resources Committee did not meet this month.

Mayor Pro Tem Reese on Orange County Fire Authority board meeting, the major subject was the 241 at Windy Ridge Fire. It was a unified command between OCFA, Orange City Fire, and Anaheim City Fire. All responding agencies did an outstanding job in extinguishing the fire.

## **ITEMS FOR CONSIDERATION**

### 12. Serrano Water District Permit Asphalt Cutting Permit Review Process and Waiver of Related Fees.

City Manager Domer presented the staff report stating The City requires any person or entity, including utilities and private companies, to obtain a permit prior to cutting into public right of way, including streets. The Serrano Water District has an extensive network of underground water pipelines throughout the City. SWD must cut into the streets when making improvements or repairs. The City utilizes a Pavement Management Program (PMP) to ensure that City streets are maintained regularly and improved when needed. The PMP is also a requirement of receiving Measure M funds. Serrano Water District (SWD) makes improvements to the water pipeline network which disturbs the City's streets.

Mayor Ulmer opened the item for discussion.

Mayor Pro Tem Reese asked City Manager Domer if SWD is currently charged for permit fees or required to file paper work with the City.

City Manager Domer stated SWD does not charge for metering fees on the medians and this is a chance to help them out too. As it stands today the City does not charge SWD permit fees. The item is required to better track street cuts for the pavement management program.

Councilmember Pauly asked if Dave Noyes had been contacted about this issue.

City Manager Domer stated they have talked and SWD's main issue was whether they were going to be charged a permit fee or not.

City Council discussion ensued.

Mayor Ulmer Closed the item for discussion.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to authorize a waiver of fees for Serrano Water District for permitted pavement cuts:

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

13. Consideration of Memorandum of Understanding Between the Southern California Association of Governments (SCAG) and the City of Villa Park Regarding Participation in the Clean Cities Program.

City Manager Domer presented the staff report stating Clean Cities is a voluntary federal program designed to accelerate and expand the use of alternative fuel vehicles (AFVs) in communities throughout the country and to provide fueling and maintenance facilities for their operation.

Mayor Ulmer opened the item for discussion.

Councilmember Pauly asked if the City is currently seeking any available funding or incentive opportunities.

City Manager Domer stated the City currently receives around \$7,000.00 a year which is the minimum amount of funding from the state. That amount is used to repay the City for the purchase of clean air vehicles.

Mayor Ulmer Closed the item for discussion.

It was moved by Councilmember Rheins, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to authorize the City Manager to sign the Memorandum of Understanding and deny payment of \$1,000.00:

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

14. Authorization to Advertise for Construction Bids - Recreation Trail Improvement Project.

City Manager Domer presented the staff report stating in 2004 the City completed Phase 1 of a program to improve the City Recreation Trail system. In 2005 we applied for and received an additional grant from the state for Phase 2 of the project. The proposed project consisted of fencing and surface improvements on Santiago Boulevard and Cerro Villa Drive, as well as development of the trail on the abandoned Loma Street right of way from Mesa Drive to Canyon Drive.

Since receiving grant approval the project has been under design and development. City staff has been working with the sub-divider of the parcel at 9571 Loma Street, which is adjacent to the Loma Trail, to coordinate the alignment and development of the trail with the previously approved subdivision. Although the design is complete, due to the unexpected high costs of this section of the trail and the delays associated with the adjacent subdivision, this segment has been removed from the project.

The project is scheduled for a bid opening date of May 8, 2007 and an award of construction contract at the City Council meeting of May 22, 2007. Construction would begin in mid June and be complete by the end of July.

Mayor Ulmer opened the item for discussion.

Councilmember Pauly asked where the additional \$48,000 dollars to fund the project will come, also, if there are any additional costs involved, where will they be funded from.

City Engineer Repke stated \$212,000 of it will be funded from a state grant. And the remaining is budgeted through general revenue funds and developer bond funds. Other costs are not known until the construction bids are in. Once the bids are in, the City does have the flexibility to extending or reducing the project to stay within the budget.

It was moved by Councilmember Rheins, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to approve the plans, specifications and contract documents entitled "Recreation Trail Improvements at Various Locations" and Authorize the City Engineer and City Clerk to Advertise for Construction Bids:

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

## **STAFF REPORTS**

### City Manager/City Clerk

Cannon Wall Reimbursement Update – The City Manager reported that he spoke with a staff member of FEMA who was now working on the reimbursement request. This action came after representatives from Townsend Public Affairs phone federal contacts to push the issue the week before. The positive news is that the request is being processed and should be sent to Washington for review with 4-6 weeks.

### City Attorney

No Report.

### City Engineer

No. Report.

### Associate Planner

No Report.

## **ORDINANCES**

15. Consideration of Ordinance No. 2007-524, An Ordinance of the City Council of the City of Villa Park Adopting By Reference Ordinance No. 06-011, An Ordinance of the County of Orange Pertaining to Animal Control, Welfare and License Requirements.

City Manager Domer stated the County of Orange recently adopted an ordinance, No. 06-011, that implements a system to report barking dogs that is less onerous to complaining parties. The ordinance sets up a process and a civil fine for dog owners that violate the ordinance. The City Council discussed this item and instructed the City Manager to place it on the March 27, 2007 City Council agenda for a first reading.

Mayor Ulmer opened the item for public hearing; seeing no one, Mayor Ulmer closed the item.

It was moved by Councilmember Rheins, seconded by Mayor Ulmer and carried by the following roll call vote to Approve the First Reading of Ordinance No. 2007-524 Adding Article 7-10, Barking Dogs, to the Villa Park Municipal Code; Adopting By Reference Ordinance No. 06-011, An Ordinance of the County of Orange Pertaining to Animal Control, Welfare and License Requirements:

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

16. Consideration of Ordinance No. 2007-525, An Ordinance of the City Council of the City of Villa Park, Amending in its Entirety, Article 5-9 Graffiti and Other Inscribed Material on Public and Private Structures.

Associate Planner Carson presented the staff report stating the City of Orange updated its graffiti ordinance to assist law enforcement by prohibiting the transportation of graffiti implements. This ordinance was reviewed by the City/Schools Committee and it was recommended that the City should include a similar prohibition in their ordinances.

Following that action, and in order to protect public and private property from acts of defiance and vandalism caused by graffiti, staff felt that it would be appropriate to evaluate our entire graffiti ordinance. The update was done to provide the most effective guidelines to discourage graffiti and prosecute those responsible for applying it or in possession of graffiti paraphernalia.

Mayor Ulmer opened the item for discussion; hearing no one, Mayor Ulmer closed the item.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to Approve the First Reading of Ordinance No. 2007-525 Amending in its Entirety, Article 5-9 Graffiti and Other Inscribed Material on Public and Private Structures:

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

## **RESOLUTIONS**

17. Consideration of Resolution No. 2007-2934, A Resolution of the City Council of the City of Villa Park Supporting the Joint Effort of the Orange County Water District and the Orange County Sanitation District in Developing a Groundwater Replenishment System.

The Groundwater Replenishment (GWR) System is the largest water purification project of its kind in the world and will help increase Orange County's water independence by providing a locally controlled, drought-proof supply of safe, very high-quality water. The GWR System takes highly treated sewer water and purifies it to near-distilled quality using state-of-the-art technology.

As Councilmember Freschi reported last month the GWR system is very extensive and will benefit Orange County greatly.

Mayor Ulmer opened the item for discussion; hearing no one, Mayor Ulmer closed the item.

It was moved by Mayor Pro Tem Reese, seconded by Councilmember Pauly and carried by a voice vote to Adopt Resolution No. 2007-2934, supporting the joint effort of the Orange County Water District and the Orange County Sanitation District in developing a Groundwater Replenishment System.

### **ORAL COMMUNICATIONS**

None.

### **CLOSED SESSION**

None.

### **ADJOURNMENT**

Mayor Ulmer moved, and it was carried unanimously to adjourn at 9:37 p.m. in memory of Harold Pete William Fitch.

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W. Richard Ulmer, Mayor  
City of Villa Park

**ATTEST:**

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Kenneth A. Domer, City Clerk  
City of Villa Park