

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park convened Tuesday, April 28, 2009 at 6:00 p.m. in a Regular Meeting in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CLOSED SESSION

6:00 p.m. – City Council Conference Room / Studio

ROLL CALL

COUNCILMEMBERS PRESENT

James Rheins	Mayor
Bill Mac Aloney	Mayor Pro Tem
Deborah Pauly	Councilmember
Brad Reese	Councilmember
W. Richard Ulmer	Councilmember

STAFF PRESENT

Don Powell	Interim City Manager
Todd Litfin	City Attorney
Joe O'Neil	City Engineer
Jason Carson	Associate Planner
Jarad Hildenbrand	Assistant City Manager / Deputy City Clerk
Michele Danaher	Finance Manager
Jorge Garcia	Management Assistant

ORAL COMMUNICATIONS

None.

1. Conference with Legal Counsel – Anticipated Litigation. Closed Session Per Govt. Code Section 54956.9 (c) relating to initiation of litigation: four potential cases.
2. Public Employee Performance Evaluation. Closed Session Per Govt. Code Section 54957 (b) relating to appointment, employment, evaluation of performance for public employee: City Manager Recruitment.

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

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

CALL TO ORDER at 6:46 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG Led by Savannah Howard from Serrano Elementary School.

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Academic Achievement Award – Jacob Duman from Cerro Villa Middle School.
- Representative from Serrano Water District.
- Villa Park Community Services Foundation Update.

ORAL COMMUNICATIONS

Jay Scollick, on behalf of the Friends of the Villa Park Library, invited the Council and residents to run or walk in the Villa Park 5K to be held June 24, 2009.

Don Arrington, on behalf of the Villa Park Volunteer Firefighters, spoke in favor of the reserve program.

Mayor Rheins reported that an item came up after the agenda was posted concerning the Assembly Bill 155 Mendoza, which would require a city to first obtain approval from a State Committee before filing for chapter 9 bankruptcy protection.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Ulmer, and carried by the following roll call vote to add this item to the agenda as number 31A:

AYES:	COUNCILMEMBERS:	Mac Aloney, Ulmer, Pauly, Reese, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

PUBLIC HEARINGS

- 3. Conditional Use Permit No. 0696, An After-the-Fact Request to Construct a Recreational Court within the Rear Yard of the Property. Location: 9765 Crestview Circle. Applicant: Bill Yim.**

Mayor Rheins opened the public hearing.

Concerned neighbors James Uyeda, Kevin Love, and Dave Thomas spoke in opposition to the project.

Bill Yim, property owner, addressed his neighbors concerns as well as Council's.

Mayor Rheins closed the public hearing.

It was moved by Councilmember Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to continue the item to the May 21, 2009 meeting:

AYES:	COUNCILMEMBERS:	Ulmer, Reese, Pauly, Mac Aloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

4. Third Quarter Budget Review and Adjustment.

Mayor Rheins opened public comment, hearing no one, Mayor Rheins closed public comment.

It was moved by Councilmember Reese, seconded by Mayor Pro Tem Mac Aloney and carried by the following roll call vote to adopt Resolution No. 2009-3069, authorizing an amendment to the Budget for Fiscal Year 2008/2009:

AYES:	COUNCILMEMBERS:	Reese, Mac Aloney, Pauly, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

ORDINANCES

5. Ordinance No. 2009-539, An Ordinance of the City Council of the City of Villa Park Amending Section 19-2.10 of the Villa Park Municipal Code Prohibiting Parking on City Streets During Posted Street Sweeping Hours.

Mayor Rheins opened public comment, hearing no one, Mayor Rheins closed public comment.

It was moved by Councilmember Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to approve the Second Reading and adopt Ordinance No. 2009-539:

AYES:	COUNCILMEMBERS:	Ulmer, Reese, Pauly, Mac Aloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

6. Ordinance No. 2009-540, An Ordinance of the City Council of the City of Villa Park Adding Section 8-4 to the Villa Park Municipal Code Relating to Regulations for the Provision of Video Service by State Franchise Holders.

Mayor Rheins opened public comment.

Don Coppersmith, 9232 Smoketree Lane, spoke in favor of the Ordinance.

Mayor Rheins closed public comment.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to approve a First Reading of Ordinance No. 2009-540, setting May 26, 2009 as a Second Reading and adoption:

AYES:	COUNCILMEMBERS:	Pauly, Ulmer, Reese, Mac Aloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

RESOLUTIONS

7. Resolution No. 2009-3065, Assessing a Nuisance Abatement Lien Against 10201 Center Drive.

Mayor Rheins opened the public hearing. With no public comment, Mayor Rheins closed the public hearing.

It was moved by Councilmember Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to adopt Resolution No. 2009-3065:

AYES:	COUNCILMEMBERS:	Ulmer, Reese, Pauly, Mac Aloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

8. Resolution No. 2009-3066, Assessing a Nuisance Abatement Lien Against 17821 Cardinal Circle.

Mayor Rheins opened the public hearing. With no public comment, Mayor Rheins closed the public hearing.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Mac Aloney and carried by the following roll call vote to adopt Resolution No. 2009-3066:

AYES:	COUNCILMEMBERS:	Ulmer, Mac Aloney, Pauly, Reese, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

9. Resolution No. 2009-3067 Assessing a Nuisance Abatement Lien Against 19051 Ridgeview Road.

Mayor Rheins opened the public hearing.

Lloyd Copenbarger, property owner, spoke in opposition to the Resolution. City Council discussion ensued.

Mayor Rheins closed the public hearing.

It was moved by Councilmember Pauly, seconded by Councilmember Reese and carried by the following roll call vote to adopt Resolution No. 2009-3065:

AYES:	COUNCILMEMBERS:	Pauly, Reese, Ulmer, Mac Aloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

CONSENT CALENDAR (ITEMS # 10-25)

Councilmember Ulmer pulled Item No. 23 for further clarification.

Councilmember Pauly pulled Item No. 17 for further clarification.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the Consent Calendar:

AYES:	COUNCILMEMBERS:	Mac Aloney, Ulmer, Pauly, Reese, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

The Consent Calendar consisted of the following items:

10. Proclamation – DMV/Donate Life Month California 2009

ACTION: Approve.

11. Proclamation – “Arson Awareness Week” May 3-9, 2009.

ACTION: Approve.

12. Financial Activity from March 5, 2009 through April 8, 2009.

ACTION: Approve Financial Activity in the Amount of \$386,431.11.

13. Financial Treasurer’s Report for the Month of March.

ACTION: Receive and File.

14. Code Enforcement Report for the Month of April.

ACTION: Receive and File.

15. Agreement with County of Orange for Participation in Proposition 42 City Aid Program for Fiscal Year 2009-2010.

ACTION: Approve the Agreement and Authorize the Mayor to Execute on behalf of the City.

16. Agreement with County of Orange to Toll Statute of Limitations for Claims Regarding Property Tax Administration Fee.

ACTION: Approve the Agreement and Authorize the Interim City Manager to Execute on behalf of the City.

17. Agreement with County of Orange Waste Disposal Agreements.

ACTION: Approve the Agreement and Authorize the Interim City Manager and Deputy City Clerk to Execute on behalf of the City.

18. Request Approval of City Council Minutes of January 27, 2009.

ACTION: Approve.

19. Request Approval of City Council Minutes of February 24, 2009.

ACTION: Approve.

20. Request Approval of City Council Minutes of April 13, 2009.

ACTION: Approve.

21. Acting as Members of the Villa Park Community Services Foundation, Consider the Recommendation of Bylaw Changes as Approved by the Board of Directors.

ACTION: Approve.

22. Resolution No. 2009-3070, Authorizing the Destruction of Certain City Records as Provided by Section 34090 of the Government Code of the State of California.

ACTION: Approve.

23. Update on Conditions Present at the Villa Park Town Center, Villa Park, California Regarding the Correction of Electrical Issues.

ACTION: Receive and File.

24. Update on Federal American Recovery and Reinvestment Act.

ACTION: Receive Report from Interim City Manager.

25. Approval for Payment of the Rededication Plaque for the Villa Park Library.

ACTION: Approve.

CONTINUED ITEMS/ OLD BUSINESS

26. Financial Oversight Options for Villa Park Cable Access Television Corporation and Villa Park Community Services Foundation.

It was moved by Councilmember Reese, seconded by Mayor Pro Tem Mac Aloney and carried by the following roll call vote to continue the item to the May 21, 2009 meeting:

AYES:	COUNCILMEMBERS:	Reese, Mac Aloney, Pauly, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

NEW BUSINESS

27. Consideration of First Amendment to the Professional Services Agreement with Norris-Repke.

It was moved by Councilmember Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to approve the amendment to the agreement for professional services with Norris-Repke:

AYES:	COUNCILMEMBERS:	Ulmer, Reese, Pauly, Mac Aloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

28. Sheriff Department Service Level Agreement for Fiscal Year 2009/2010.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the service level agreement with the Sheriff's Department for Fiscal Year 2009/2010:

AYES:	COUNCILMEMBERS:	Mac Aloney, Ulmer, Pauly, Reese, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

29. Travel Request – Mayors & Council Members Executive Forum in San Diego, California.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Reese and carried by the following roll call vote to approve Mayor Rheins' request and direct staff to make appropriate travel arrangements:

AYES:	COUNCILMEMBERS:	Mac Aloney Reese, Pauly, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

30. Draft Landscape Ordinance.

It was the consensus of the City Council to table this item to a later time.

MAYOR AND COUNCILMEMBER REQUESTED MATTERS

31A. Notice of Opposition Letter Request – Expressing Opposition to Assembly Bill 155 Mendoza

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Reese and carried by the following roll call vote to oppose AB 155 and directed staff to send a Notice of Opposition to Assembly Member Tony Mendoza:

AYES:	COUNCILMEMBERS:	Mac Aloney Reese, Pauly, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

31.B. Resolution Request – Expressing Opposition to Propositions that are on the May 19, 2009, Statewide Special Election Ballot.

Bob Fauteux, 9912 Briley Way, spoke in favor of this Resolution.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Reese and carried by the following roll call vote to adopt Resolution No. 2009-3071, publicly expressing the City's opposition to the May 19, 2009, Special Election Ballot Propositions and directing staff to send this Resolution to the Mayors of Orange County as well as California's State Legislators:

AYES:	COUNCILMEMBERS:	Mac Aloney, Reese, Pauly, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

32. Individual Councilmember Information Items.

None.

COMMITTEE/ COMMISSION/ BOARD REPORTS

Councilmember Pauly reported on the Serrano Water District, Villa Park Disposal and Technology meetings.

Councilmember Reese reported on the Orange County Fire Authority and Orange County Sanitation District meetings.

Councilmember Ulmer reported on the Community Development/Public Safety and Human Resources meetings.

Mayor Pro Tem Mac Aloney reported on the Finance & Budget and the Human Resources Committee meetings.

Mayor Rheins reported on the Orange County Vector Control Board meeting

33. Meeting Attendance Reports.

Mayor Rheins, Councilmember Ulmer, and Councilmember Reese reported on the League of California Cities Orange County Division general meeting.

STAFF REPORTS

Management Assistant

No report

Associate Planner

Associate Planner Carson updated the City Council on the status of the General Plan.

Finance Manager

No report

Assistant City Manager / Deputy City Clerk

City Clerk Hildenbrand encouraged residents to vote in the Mayor 19, 2009 special election.

City Engineer

No report.

City Attorney

No report

City Manager

No report

ADJOURNMENT

It was moved by Mayor Rheins and carried unanimously to adjourn the meeting at 10:58 PM.

James Rheins, Mayor
City of Villa Park

ATTEST:

Jarad Hildenbrand, City Clerk
City of Villa Park