

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park convened Thursday, May 21, 2009 at 7:00 p.m. in a Regular Meeting in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CLOSED SESSION

7:00 p.m. – City Council Conference Room / Studio

CALL TO ORDER at 7:04 p.m.

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.

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

GENERAL SESSION
7:30 p.m. – City Council Chambers

CALL TO ORDER at 7:47 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG Led by Bob Fauteux.

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Recognition Hallie Honma and Joy Jacobs from Girl Scout Troop 659 for Earning their Silver Award; A Villa Park History Book was also presented to Troop 659
- Villa Park Community Services Foundation Update – Bob Fauteux
- Law Enforcement Issues - Chief of Police Services Lt. Tom Gallivan.

ORAL COMMUNICATIONS

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 approval of Resolution No. 2009-3079, placing a hold on quarterly transfers to VPCATV Corporation through FY 2009-10

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 4A:

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

PUBLIC HEARINGS

2. 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. 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 approve Conditional Use Permit No. 0696:

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

3. Conditional Use and Variance Permit No. 0697, A Request to Restore/Reconstruct an Existing Six (6') Foot Fence within the Front Yard Setback that Exceeds the Forty-two (42") Inch Maximum Height Limit; and A Request to Construct a Detached Entrance Gate/Structure within the Front Yard area that Exceeds the Height Limit of Twelve (12') Feet by Two Feet (2'9") , Nine Inches, and is within the Fifty (50') Foot Setback Area by Twenty (20') . Location: 18322 Edgewood Avenue. Applicants: William Thomas and Luca Cecchi.

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 approve Conditional Use Permit No. 0697:

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

4. Consideration of Maintaining the Existing Refuse Rate for the Period from July 1, 2009 through June 30, 2010.

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

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Mac Alony and carried by the following roll call vote to maintain the Existing Refuse Rate for FY 2009-10:

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

- 4.A. Approval of Resolution No. 2009-3079 Placing a Hold on Quarterly Transfers to VPTV Corporation Through FY 2009-10.

Mayor Rheins opened public comment.

Don Coppersmith, 9232 Smoketree Lane, spoke in opposition of the Resolution.

Mayor Rheins closed public comment.

It was moved by Mayor Pro Tem Mac Alony, seconded by Councilmember Pauly and carried by the following roll call vote to approve Resolution 2009-3079:

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

ORDINANCES

5. 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. With no public comment, Mayor Rheins closed public comment.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Reese and carried by the following roll call vote to approve the Second Reading and adopt Ordinance No. 2009-540:

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

6. Ordinance No. 2009-541, An Ordinance of the City Council of the City of Villa Park Adding Section 23-24 to the Villa Park Municipal Code Relating to Landscape Standards.

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

It was carried by a unanimous voice vote to approve the First Reading of Ordinance No. 2009-541, setting June 23, 2009 as a Second Reading and Adoption.

RESOLUTIONS

7. Resolution No. 2009-3076 Authorizing the City of City of Villa Park to Access State, Federal and Local Criminal History Information for Employment Purposes.

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

It was moved by Councilmember Reese, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2009-3076:

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

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

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

It was moved by Councilmember Ulmer, seconded by Councilmember Pauly and carried by the following roll call vote to rescind Resolution No. 2009-3067 as presented during the Council meeting of April 28, 2009; directing City staff and the City Attorney to develop a memorandum of understanding granting the City a landscape easement on the southern portion of the Copenbargers property:

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

9. Resolution No. 2009-3077 Preliminarily Approving and Adopting Report for Sewer Pump Station Maintenance for Fiscal Year 2009-10 and Appointing Time, Date, and Place for Hearing Thereon.

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

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. 2009-3077, setting June 23, 2009 as the date for a Public Hearing.

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

9B. Resolution No. 2009-3078 Consideration of Approving an Operating Transfer for the Mobile Data Computers and Patrol Video System

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2009-3078:

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

CONSENT CALENDAR (ITEMS #10-19)

Councilmember Pauly pulled item No. 16 for further discussion.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the remainder of 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. Financial Activity from April 9, 2009 through May 8, 2009. Approved Action: That the City Council approves Financial Activity in the Amount of \$1,043,507.29.
11. Financial Treasurer's Report for the Month of April. Approved Action: That the City Council Receive and File.
12. Code Enforcement Report for the Month of May. Approved Action: That the City Council Receive and File.
13. Request Approval of City Council Minutes of April 21, 2009. Approved Action: The City Council Approve the City Council Minutes of April 21, 2009.
14. Request Approval of City Council Minutes of April 22, 2009. Approved Action: The City Council Approve the City Council Minutes of April 22, 2009.
15. Request Approval of City Council Minutes of May 11, 2009. Approved Action: The City Council Approve the City Council Minutes of May 11, 2009..
17. Resolution No. 2009-3073 Declaring Intent to Conduct a Public Hearing on Conditions Present at 9491 Lemon Street, Villa Park, California to Determine Whether Such Conditions Constitute a Public Nuisance. Approved Action: That the City Council adopt Resolution No. 2009-3073 Setting June 23, 2009 as the Date for a Public Hearing.
18. Notice of Completion - 2008/09 Street Maintenance Project. Approved Action: That the City Council approve the Notice of Completion.
19. Interim City Manager Employment Budget Review and Adjustment. Approved Action: That the City Council approve the Interim City Manager's Employment Budget Review and Adjustment.
16. Resolution No. 2009-3072 Declaring Intent to Conduct a Public Hearing on Conditions Present at 17841 Lincoln Street, Villa Park, California to Determine Whether Such Conditions Constitute a Public Nuisance.

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. 2009-3077, setting June 23, 2009 as the date for a Public Hearing.

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

CONTINUED ITEMS/ OLD BUSINESS

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

Mayor Rheins opened public comment.

Bob Fauteux, VPCSF Assistant Treasurer, presented Council the Foundation's recommended Financial Oversight proposal.

Mayor Rheins closed public comment.

It was moved by Mayor Pro Tem Mac Aloney, seconded by Councilmember Ulmer and carried by a unanimous voice vote to direct the staff to bring this matter back for Council reconsideration no later than May 1, 2010.

21. Consideration of a Line of Credit to Manage the City Project Funding From the Federal American Recovery and Reinvestment Act.

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

It was moved by Councilmember Ulmer, seconded by Councilmember Reese and carried by a voice vote to direct the City Manager designee to bring this matter back with more information during future budget deliberations.

NEW BUSINESS

22. Agreement with County of Orange for Public Works Services.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to direct staff to pursue and agreement with the County of Orange for Public Works Services.

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

MAYOR AND COUNCILMEMBER REQUESTED MATTERS

23. Individual Councilmember Information Items.

Councilmember Ulmer spoke concerning a "No Kill" Animal Shelter that accepts all animals and is located in Irvine.

COMMITTEE/ COMMISSION/ BOARD REPORTS

Councilmember Pauly reported on the Serrano Water District and Technology Committee meetings.

Councilmember Reese reported on the City/Schools Advisory Committee and Orange County Fire Authority meetings.

Councilmember Ulmer reported on the Community Development/Public Safety, Human Resources, and Serrano Water District meetings.

Mayor Pro Tem Mac Aloney reported on the Finance and Budget Committee, the Villa Park Cable Access Television Board, the Villa Park Community Services Foundation, and the Serrano Water District meetings.

Mayor Rheins reported on the Orange County Vector Control Board and the Orange County Public Library Board meetings.

24. Meeting Attendance Reports.

Councilmember Pauly reported on the Orange County Water Conservation Summit Meeting and Mayor Rheins reported on the League of California Cities general meeting.

STAFF REPORTS

Management Assistant

No report.

Associate Planner

No report.

Finance Manager

Finance Manager Danaher updated Council on Measure M, which allocates tax revenues to specific Orange County Transportation improvement projects.

Assistant City Manager / Deputy City Clerk

No report.

City Engineer

City Engineer O'Neil updated the Council on the Canon Wall project.

City Attorney

No report.

City Manager

Interim City Manager Powell addressed the Council concerning the end of his term with the City, noting that it had been a pleasure to serve in the City of Villa Park.

ADJOURNMENT

It was moved by Mayor Rheins and carried unanimously to adjourn the meeting at 10:37 PM.

James Rheins, Mayor
City of Villa Park

ATTEST:

Jarad Hildenbrand, City Clerk
City of Villa Park