

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, July 24, 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 7:30 PM.

ROLL CALL

COUNCILMEMBERS PRESENT

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

STAFF PRESENT

Ken Domer	City Manager
Len Hampel	City Attorney
Warren Repke	City Engineer
Jarad Hildenbrand	Assistant to the City Clerk / Management Assistant

FLAG SALUTE

Mayor Ulmer led the flag salute.

INTRODUCTIONS AND PRESENTATIONS

Presentation of Resolution to Lt. Tom Gallivan on Deputy Sheriff and Reserve Deputy Sheriff Appreciation Week.

Mayor Ulmer presented Villa Park Chief of Police Services Lt. Gallivan with a resolution proclaiming July 22 – 28, 2007 as Deputy Sheriff and Reserve Deputy Sheriff Appreciation Week. Mayor Ulmer thanked the Sheriff Deputies and Reserve Deputies for protecting Villa Park and ensuring that Villa Park maintains the lowest crime rate in Orange County.

Kareem George, Director of Audience Development, Pacific Symphony Orchestra.

Mayor Ulmer has asked Mr. George to help the City in developing several items that meet the needs of Villa Park Citizens specifically.

Mr. George spoke on the Pacific Symphony Orchestra and asked residents to contact him with how the PSO could benefit the community.

Jay Scollick, Friends of the Villa Park Library Regarding Villa Park 5K Run/Walk.

Prior to Mr. Scollick's announcement, he was presented an award from the Friends of the Villa Park Library, for his dedication, volunteerism, and leadership in organizing the 3rd Annual Villa Park 5K Walk/Run.

Mr. Scollick thanked each and every person who contributed time and energy to the 3rd Annual Walk/Run making it a great success with 341 race participants.

Rondi Walsh, Villa Park Community Services Foundation Regarding the Villa Park Family Picnic.

Mrs. Walsh spoke on the Villa Park Family Picnic acknowledging the volunteers who made the Annual Picnic a great success. Most importantly Mrs. Walsh thanked the financial sponsors to include: Steve Marquez with Union Banc of California Insurance Services, Todai of Orange, Dr. Furcolow Optometry, Pomodoro Cucina, Villa Park Disposal, Blue Buoy Swim School, and the Villa Park Women's League.

Steve Wilks, IBI Group, OCTA Go Local Study.

Steve Wilks presented the City Council with a PowerPoint presentation detailing IBI Group's analysis of the City's 2007 Go Local survey to study local transit needs and potential opportunities for possible transit extension. The PowerPoint is on file.

Jody Roberto, Representative from Assemblyman Bob Huff's Office.

Ms. Roberto presented Mayor Ulmer with a Certificate of Recognition, signed by Assemblyman Huff, honoring the City's 45th anniversary.

APPOINTMENTS

1. Villa Park Community Services Foundation.

City Manager Domer read the staff report mentioning prior to the restructuring of the Community Services Foundation, which necessitated a "hold" on making any new appointments, one application was received from resident Roy Berelowitz. The Foundation Board of Directors felt that the participation of Mr. Berelowitz was instrumental in developing a new framework for the Foundation and have requested and recommended that Mr. Berelowitz be appointed by the City Council to a current term as a Director. It has been recommended by the Board of Directors to appoint Roy

Berelowitz to the Villa Park Community Services Foundation for a term to end December 31, 2008.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to appoint Roy Berelowitz to the Villa Park Community Services Foundation for a term to end December 31, 2008:

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

ORAL COMMUNICATIONS

Katherine Gordon, 9822 Verde Lomas Circle, stated the estate belongs to her mother who is in conservatorship. The family is in favor of the City's action to force the property to be improved and wanted to notify the City Council there is a court appointed fiduciary acting as conservator of the estate who is entirely responsible for seeing that the property be improved. City Manager Domer stated he would work with Ms. Gordon on the matter.

Mayor Ulmer announced in hoping to make a contribution in the direction of timeliness and preciseness, he has done research in trying to balance the way City Council interacts. Mayor Ulmer requested that each Council person abide by rules of procedure and respect, and with such, the meetings will be productive in shorter time.

PUBLIC HEARINGS

2. Consideration of Conditional Use Permit No. 0665, A Request to Exceed the Height Limit of Twelve (12) Feet for Outdoor Living Areas/Patio Covers for a New Height of Thirteen Feet, Five Inches (13'6"). Location: 10762 Center Drive; Applicant: Warren Williams Jr.

City Manager Domer presented the staff report the applicant is proposing to construct a 337 sq. ft. cabana structure that will include full bathroom facilities, to a height of 13'6", exceeding by 1'6" the allowable height for a detached structure. This structure will be situated in the southeast corner of the property setback 10' from the side and rear yard property lines. Staff is able to recommend approval of Conditional Use Permit application No. 0665 to construct a detached cabana structure to a height not to exceed 13'6".

Mayor Ulmer opened the public hearing. Seeing no one step forward, Mayor Ulmer closed the public hearing.

Councilmember Pauly asked if there have been any complaints regarding this project. City Manager Domer verified there have been none.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to approve Conditional Use Permit No. 0665, a request to exceed the height limit of twelve (12) feet for outdoor living areas/patio covers for a new height of thirteen feet, five inches (13'6"). Location: 10762 Center Drive; Applicant: Warren Williams, Jr.:

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

3. Consideration of Resolution No. 2007-2957 Electing to be Subject to the California Uniform Cost Accounting Procedures Pursuant to Public Contract Code Section 22019 and First Reading of Ordinance No. 2007-528, Providing Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act.

City Manager Domer read the title of the ordinance and presented the staff report stating that in a continuing effort to improve the City's purchasing procedures, staff recommends that the City also revise its regulations governing public works projects to take advantage of the alternative procedures in State law more commonly known as the Uniform Public Construction Cost Accounting Act. The Uniform Act offers alternative procedures that are less formal for public projects under \$125,000. For public projects less than \$125,000, the City may let the contract by informal procedures provided the City adopts an informal bidding ordinance.

Mayor Pro Tem Reese asked if City Council approval of contracts was needed in emergency situations. City Manager Domer stated that in emergency situations staff can initiate clean up and come back after to fact, within a reasonable amount of time, to Council to ratify the action.

City Attorney Hampel added the emergency situation that Mayor Pro Tem Reese is talking about is covered by other City statutes, the only thing that changes is the informal bidding process. The City Council still maintains control over approving contracts. This is a method the Legislature has put forward as an alternative to the \$5,000 competitive bidding limit.

Councilmember Freschi questioned if the City has a system in place that will satisfy the procedural obligations embodied in this legislation. City Manager Domer assured Councilmember Freschi that nothing is needed to be purchased in order to implement the new procedure.

It was moved by Councilmember Rheins, seconded by Councilmember Freschi and carried by the following roll call vote to adopt Resolution No. 2007-2957 electing to be subject to the California Uniform Cost Accounting Procedures Pursuant to Public Contract Code Section 22019; and to approve the first reading of Ordinance No. 2007-528, providing informal bidding procedures under the Uniform Public Construction Cost Accounting Act:

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

CONSENT AGENDA

4. 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.
5. Consideration of City Council Budget Study Session Minutes of June 12, 2007. Approved Action: That the City Council Approve the City Council Budget Study Session Minutes of June 12, 2007.
6. Consideration of City Council Minutes of June 26, 2007. Approved Action: That the City Council Approve the City Council Minutes of June 26, 2007.
7. Consideration of the List of Demands from June 21, 2007 to July 16, 2007. Approved Action: That the City Council Approve the List of Demands in the Amount of \$245,549.15.
8. Consideration of Treasurer's Report for the Month of June. Approved Action: That the City Council Receive and File the Treasurer's Report for the Month of June.
9. Consideration of Resolution No. 2007-2948, A Resolution of the City Council of the City of Villa Denying Conditional Use Permit No. 0664, A Request to Exceed the Maximum Allowable Floor Area Ratio of 32% by 2.72%, Bringing the Final Total to 34.72%. Location: 18171 James Road. Applicant: Arturo and Maria Mier. Approved Action: That the City Council Adopt Resolution No. 2007-2948, Denying Conditional Use Permit No. 0664.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to the Consent Agenda items number 4, 5, 6, 7, 8, and 9:

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

MATTERS PRESENTED BY COUNCILMEMBERS

10. Travel and Meetings.

The League of California Cities, Orange County Division meeting was dark in July.

It was moved by Mayor Pro Tem Reese, seconded by Councilmember Rheins and carried by a unanimous voice vote to approve the travel and meeting report for the time period of June 21, 2007 to July 16, 2007.

Councilmember Freschi questioned if the City has authority to govern the speed limits in the Towne Centre. City Attorney Hampel stated the City does not; however, the Sheriff's Department has enforcement rights in the Town Centre pertaining to "reckless driving."

Councilmember Freschi also noted that local Judges will sentence community service hours. Councilmember Freschi questioned if there is any way the City can request community services volunteers. City Attorney Hampel stated he will check into it.

Councilmember Rheins gave a brief summary of the CJPIA Board of Directors meeting he attended. CJPIA held a very informative meeting in which they covered their strategic plan which is available on the CJPIA website.

CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS

Councilmember Freschi stated as of July 5, 2007, the West Nile Virus has been detected; however there are no cases in Southern California. Additionally, mosquito counts are down 61% from last year.

Councilmember Rheins stated the Finance Committee further clarified the City Treasurer Job Description and reviewed each of the applications for the City Treasurer position.

Mayor Ulmer stated the Foundation was very active due to Annual Picnic this month and there are several solid applications for Foundation appointment.

Councilmember Pauly stated Serrano Water District has nearly completed construction on their new wall at the corner of Sycamore and Taft. Councilmember Pauly also reported from the VPTV meeting to include a review of their budget.

Mayor Pro Tem Reese reported the Community Development Committee discussed the new requirements of visual handicap ramps required in certain areas on Villa Park Road and the Lemon Trail. The committee also discussed their continued study of cars parked in bike lanes throughout the City.

Councilmember Pauly stated that the Friend's of the Villa Park Library are anxious to start renovation of the library, even if completion is years out. The committee has requested City Manager Domer's presence at their next meeting to discuss the Capital Improvement timeline.

Councilmember Freschi reported the Sanitation District continues to have a double AA plus bond rating and they recently completed labor agreements between six unions without any problems. The Sanitation District just closed escrow on a 50,000 sq. ft. maintenance facility in North County. Councilmember Freschi also mentioned that next year the Sanitation District will have a total of 83 active capital improvement projects, totaling \$333 million.

Mayor Pro Tem Reese stated the Orange County Fire Authority held a special meeting July 11, 2007 to discussing ambulance contracts. There is an issue with Medix Ambulance possibly not wanting to renew their contract due to the terms; however Medix does not cover Villa Park therefore the City will not be affected.

ITEMS FOR CONSIDERATION

11. Consideration of Agreement with Animal Care Services for FY 2007-08.

Assistant to the City Clerk Hildenbrand read the staff report stating the City contracts with the County of Orange for Animal Care Services (OCACS). OCACS estimates 2007-08 City payments at \$5,111 in which the City has \$6,000 budgeted for Animal Care Services.

Councilmember Pauly questioned if OCACS will be providing the Barking Dog Complaint Services, it has not been check marked on Exhibit B. Assistant to the City Clerk Hildenbrand confirmed they would; the Mayor is to check the box when executing agreement.

Councilmember Pauly questioned if the City passes on charges to residents that the City pays for, for instance impound fees. City Manager Domer stated there are off setting costs, however the City does pay a portion of the share.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Reese and carried by the following roll call vote approve the agreement between the City and Animal Care Services for Fiscal Year 2007-08 Authorizing the Mayor to Execute Said Agreement:

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

12. Designation of a Voting Delegate and Alternate for the 2007 League of California Cities Annual Conference and Consideration of Resolution No. 2007-2958.

Assistant to the City Clerk Hildenbrand read the staff report stating the League of California Cities 2007 Annual Conference is to be held September 5-8, in Sacramento, California. In order to vote at the Annual Business Meeting, City Council must designate a voting delegate. Staff recommends that the City Council appoint a voting delegate and alternate and adopt Resolution No. 2007-2958, naming said delegates.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Reese and carried by a unanimous voice vote to name Councilmember Rheins as Voting Delegate and Councilmember Freschi as Voting Alternate.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2007-2958 naming said delegates:

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

13. Consideration of Appointed City Treasurer Job Description.

City Manager Domer read the staff report stating this item was first heard in June, after discussion of the item it was referred to the Finance Committee for review and recommendation. The Finance Committee reviewed the document on June 13, 2007 and the changes to the draft job description are incorporated.

Councilmember Rheins stated the Finance Committee reviewed the job description and changes for clarification were made.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to adopt the job description for the City Treasurer:

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

14. Appointment of City Treasurer of the City of Villa Park and Consideration of Resolution No. 2007-2959 and Rescinding Resolution No. 2007-2950.

Councilmember Rheins presented the staff report and stated that during the Finance Committee meeting both applications for the City Treasurer position were reviewed. Councilmember Rheins also talked with both applicants. In addition to reviewing the

applications, the Committee reviewed adding a possible Assistant City Treasurer position; however, there is not enough work to justify creating such position.

Ms. Janice Swift Bjorklund addressed the City Council stated she had not received any official acknowledgement of her application and that she had not been interviewed. Ms. Bjorklund stated she did receive two telephone calls, however in each call, she claimed, the individual stated they understood she did not want the position. A point she now contests.

There was discussion between Council regarding the process and how it became known that Ms. Bjorklund did not want to challenge the current Treasurer if he intended to seek office again and therefore why the process did not include her interview.

Councilmember Pauly stated she found it very disturbing that Ms. Bjorklund statements have been misrepresented; she stated it is a sign of things not being handled properly. Councilmember Pauly noted that the candidates should have been interviewed and evaluated according to the criteria of the just approved Treasurer's Job Description, specifically that it was preferred to have a treasurer with experience and post-graduate work in accounting, financial or management processes. Ms. Bjorklund's experience and qualifications would be a great benefit to the city.

After continued discussion, the Mayor on behalf of the Council apologized to Ms. Bjorklund for any miscommunication or misunderstanding and that the City would seek to make sure future processes are better.

It was moved by Councilmember Rheins, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to adopt Resolution No. 2007-2959 appointing Dennis Kuli as City Treasurer for a term to end June 30, 2009:

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

15. Consideration of FY 2006-07 Community Emergency Response Team Annual Report.

Assistant to the City Clerk Hildenbrand presented the annual report stating the total number of CERT graduates to date is 63. Through the efforts of the CERT Advisory Council (CERTAC) a framework for establishing connections between the CERT Program and Neighborhood Watch program is underway. The concept is to follow the national model of the Citizen Corps by establishing a local Villa Park Citizen's Corps that better coordinates the two groups. In the near future, staff intends to implement the CERT identification badge system which was funded by the Orange County Sheriff's Department via the Department of Homeland Security. Additionally, a letter was sent to all Community Care Facilities requesting their emergency plans in compliance with

Assembly Bill 304; which was sponsored by the City and approved by Gov. Schwarzenegger June 28, 2007. In addition to each facilities filing their plan at City Hall, we have offered to provide basic emergency preparedness back packs for their residents' and/or staffs use.

It was carried by a unanimous voice vote to approve the 2006-07 Community Emergency Annual report.

17s. Consideration of the City Council to Hold a Public Hearing for the Purpose of Declaring 18801 Joshua Tree Circle a Public Nuisance.

City Manager Domer read the staff report stating on January 23, 2007 the City began investigating 18801 Joshua Tree Circle based on numerous complaints that the property owner had amassed a large quantity of refuse material in their rear and side yards. Inspection of the property revealed nine separate code violations: including, trash cans being left out; holiday decorations in the front yard area; an empty swimming pool/spa; and, a large amount of trash and debris in the rear and side yards; swimming pool access safety gate left open all, occurring at the same time. On January 25, 2007 an enforcement letter was sent detailing each of the violations and instructions on how to obtain compliance. A February 7, 2007 inspection revealed that many of the minor infractions had been corrected, including the removal of a significant amount of the rear and side yard trash and debris. However, much of that material was not removed and has since begun increasing and the swimming pool and spa are still left unfilled. Additional inspections on February 27, 2007, March 16, 2007, June 20, 2007, and July 20, 2007 have revealed conditions similar to those when the process began. Staff recommends that the City Council adopt Resolution No. 2007-2960 recommending a public hearing be scheduled August 28, 2007 to declare 18801 Joshua Tree Circle a public nuisance.

It was moved by Councilmember Freschi, seconded by Mayor Ulmer and carried by the following roll call vote to adopt Resolution No. 2007-2960 recommending a public hearing be scheduled August 28, 2007 to declare 18801 Joshua Tree Circle a public nuisance:

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

STAFF REPORTS

City Manager/City Clerk

City Manager Domer gave a brief report on the Federal Emergency Management Agency reimbursement claim for the Cannon wall. The State Office of Emergency

Services is processing the claim and the time line for their work, plus the State Controller to issue a check is under three months. A portion of the concrete drainage channel on the Cannon Wall not rebuilt was removed and replaced due to cracks. City Manager Domer reported that Orange Unified School District will be replacing the asphalt at Serrano Elementary School over the next four weeks. He also stated that Assistant to the City Clerk Hildenbrand is creating a CERT and Neighborhood Watch Newsletter.

Assistant to the City Clerk Hildenbrand reported on the barking dog ordinance presentation held July 16, 2007.

City Attorney

No Report.

City Engineer

No Report.

Planning

No Report.

ORDINANCES

16. Consideration of Second Reading and Adoption of Ordinance No. 2007-527, an Ordinance of the City Council of the City of Villa Park, Prescribing and Levying Charges for Maintenance of a Sewage Pumping Station For Fiscal Year 2007-08, Approving and Adopting Report and Providing for Collection of Charges On the Tax Roll – Tracts 10523 and 13204.

City Manager Domer read the staff report stating this is the last year of the five year improvement program. An additional evaluation of the station will be performed this year and a new five year improvement program will be recommended at the close of Fiscal Year 2007-08.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to approve the second reading and adopt Ordinance No. 2007-527, prescribing and levying charges for maintenance of a sewage pumping station for Fiscal Year 2007-08, approving and adopting report and providing for collection of charges on the tax roll – Tracts 10523 and 13204:

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

RESOLUTIONS

None.

ORAL COMMUNICATIONS

Mayor Ulmer reported on a CNNmoney.com survey in which he read the other day, mentioning La Palma as the 16th ranked of Americas 100 great towns to live in. City Manager Domer stated that unfortunately, Villa Park is not included in such surveys because the population limit is 10,000 residents.

CLOSED SESSION

None.

ADJOURNMENT

It was moved by Mayor Ulmer and carried unanimously to adjourn at 10:12 p.m.

W. Richard Ulmer, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park