

## 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, September 23, 2008 at 6:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

**CALL TO ORDER** Mayor Reese Called the meeting to order at 6:30 p.m.

### **ROLL CALL**

#### **COUNCILMEMBERS PRESENT**

|                  |               |
|------------------|---------------|
| Brad Reese       | Mayor         |
| James Rheins     | Mayor Pro Tem |
| Deborah Pauly    | Councilmember |
| W. Richard Ulmer | Councilmember |
| Vacant           | Councilmember |

#### **STAFF PRESENT**

|                   |  |
|-------------------|--|
| Ken Domer         | City Manager                                     |
| Todd Litfin       | City Attorney                                    |
| Joe O'Neil        | City Engineer                                    |
| Michelle Danaher  | Finance Manager                                  |
| Jarad Hildenbrand | Assistant to the City Clerk / Management Analyst |

### **INTRODUCTIONS AND PRESENTATIONS**

- Presentation of Proclamation to Eagle Scout Michael S. Raimondi, II of Troop 850. Michael was unable to attend the meeting due to conflicting schedule with school.
- Representative from the Villa Park High School Media Class. Dr. Bartrom praised the Villa Park High School Media Class who took five first place awards at the International Media Festival. Additionally she announced that Josh Hummel, VPHS Alumni, was recently highlighted at a prestigious film festival.
- State of the School Address – Villa Park Elementary. Villa Park Elementary was unable to attend the meeting.
- Chief of Police Services Lt. Tom Gallivan – Law Enforcement Issues. No report was presented.

### **ORAL COMMUNICATIONS**

Keith Martin, representative of the Villa Park Community Services Foundation, updated the Council on recent Foundation activities.

Bruce Gleason, 9782 Santiago Boulevard, spoke about his Backyard Skeptics group meetings and announced he has rented the community room on October 29, 2008 to debate Measure AA. Mr. Gleason asked the Council what the design of the "In God We Trust" sign would look like if Measure AA was passed. City Manager Domer stated it is at the discretion of the City Council. If the Measure passes, the design would be placed on the agenda for a future meeting.

Don Arrington of Villa Park Fire Station No. 23 stated the Annual Pancake Breakfast will be held Sunday, October 5, from 7:00 a.m. to noon. He then invited each Councilmember to flip pancakes and presented them with tickets.

### **ANNUAL MEETING OF CITY COUNCIL AND VILLA PARK COMMUNITY ACCESS T.V.**

Mayor Reese adjourned the meeting to a Joint Meeting of the City Council and Villa Park Community Access Television Corporation (VPTV) and turned it over to Teri Elmendorf, president of Villa Park Cable T.V. who called the meeting to order and presented the annual report.

1. Open Discussion Regarding Villa Park Community Access Television Corporation.

Lengthy and general discussion regarding VPTV operations. Due to length of discussion and detail regarding operational issues and potential for initiating a review of operations given past operations, please refer to the meeting DVD.

2. Consideration of By-Law Changes as Recommended by the Villa Park Cable Television Board of Directors.

President Elmendorf presented the staff report and was available for questions.

It was moved by Mayor Reese, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to approve the By-Law changes as recommended:

|          |                 |                      |
|----------|-----------------|----------------------|
| AYES:    | COUNCILMEMBERS: | Reese, Rheins, Ulmer |
| NOES:    | COUNCILMEMBERS: | None                 |
| ABSTAIN: | COUNCILMEMBERS: | Pauly                |

3. Consideration of Public Review Committee to Conduct Organizational Review of Community Access Television Requirements, Technology, and Legal Issues.

Mayor Pro Tem Rheins requested the Council consideration a public review committee to conduct an organizational review of Community Access Television requirements, provided through the City formed Villa Park Community Access Television Corporation, to include technology and legal issues.

No action was taken on this item.

4. Consideration of Villa Park Cable Television Board of Directors Appointments.

President Elmendorf presented the staff report and was available for questions.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to appoint Jim Mongell to the Villa Park Cable Access Television Board of Directors:

|          |                 |                             |
|----------|-----------------|-----------------------------|
| AYES:    | COUNCILMEMBERS: | Pauly, Rheins, Ulmer, Reese |
| NOES:    | COUNCILMEMBERS: | None                        |
| ABSTAIN: | COUNCILMEMBERS: | None                        |

It was then moved by Mayor Reese, seconded by Councilmember Ulmer and carried by the following roll call vote to appoint Dr. Linda Bartrom to the Villa Park Cable Access Television Board of Directors:

|          |                 |                             |
|----------|-----------------|-----------------------------|
| AYES:    | COUNCILMEMBERS: | Reese, Ulmer, Pauly, Rheins |
| NOES:    | COUNCILMEMBERS: | None                        |
| ABSTAIN: | COUNCILMEMBERS: | None                        |

Further discussion ensued between the City Council and Members of VPTV.

President Elmendorf adjourned the annual Joint Meeting of the City Council and Villa Park Community Access Television Corporation.

(As the meeting was adjourned to a Joint Meeting of the City Council and Villa Park Community Access Television Corporation (VPTV) and called to order by VPTV President Teri Elmendorf, for information other than the DVD recording, please refer to VPTV's minutes of the meeting for greater detail.)

**APPOINTMENTS**

5. Consideration of Technology Committee Appointments.

Assistant to the City Clerk Hildenbrand presented the staff report and was available for questions.

Councilmember Pauly commented she was excited that the City received so many qualified applicants and recommended appointing six members to the Committee: Robert Pitts, James Allison, Jay Wasserman, James Warden, Dowling Tsai and Chris Jones.

It was moved by Councilmember Ulmer, seconded by Mayor Reese and carried by the following roll call vote to accept Councilmember Pauly's recommendation.

|       |                 |                             |
|-------|-----------------|-----------------------------|
| AYES: | COUNCILMEMBERS: | Ulmer, Reese, Pauly, Rheins |
|-------|-----------------|-----------------------------|

NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

### **PUBLIC HEARINGS**

6. Consideration of Conditional Use Permit No. 0687, a Request to Increase the Total Number of Garage Spaces on the Property to Four (4); and a Request to Construct an Eleven (11') Foot Garage Door. Location: 18391 Adams Ranch Road. Applicants: Jack and Linda Herrington.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report and was available for questions. City Manager Domer additionally noted the City received three letters of opposition, from surrounding neighbors, regarding privacy concerns relative to the unconditioned space to be considered a second story. In response to the letters of opposition, City staff added additional conditions of approval to include landscaping on the north side of the property to screen the view and privacy issues of concern.

Mayor Pro Tem Rheins commended the applicant on the change to camouflage the eleven foot garage door.

Mayor Reese closed the public hearing.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2008-3032, approving Conditional Use Permit No. 0687 with the added conditions:

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

7. Consideration of Conditional Use Permit No. 0683, an After-the-Fact Request to Construct a Detached Garage Exceeding the Height Limit of Twelve (12') Feet by Two (2') Feet, Eight (8 and 3/16") and 3/16 Inches; and a Request to Increase the Total Number of Garages Spaces on the Property to Four (4); and a Request for to Construct an Eight Foot, (8'7") Seven Inch Garage Door. Location: 18951 Mesa Drive. Applicants: Stephen and Debra Hart.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report stating the applicant requested this item be continued to the December meeting when a full Council of 5 will hear the application.

Mayor Reese closed the public hearing.

It was moved by Mayor Reese, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to continue the public hearing to the December City Council meeting:

|          |                 |                             |
|----------|-----------------|-----------------------------|
| AYES:    | COUNCILMEMBERS: | Reese, Rheins, Pauly, Ulmer |
| NOES:    | COUNCILMEMBERS: | None                        |
| ABSTAIN: | COUNCILMEMBERS: | None                        |

8. Consideration of Resolution No. 2008-3023, a Resolution Declaring Conditions at 18252 Hillcrest Circle, 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 changing staff's recommendation to deletion. The property is now in stable ownership and they have been making corrections and improvements to the property. Water has been restored and the fence will be replaced shortly.

Mayor Pro Tem Rheins questioned the time frame of the fence replacement. City Manager Domer stated he expected it to be completed by now, however, the owner is actively improving two additionally properties in the City which could be the hold up.

Mayor Reese closed the public hearing.

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by a unanimous voice vote to receive and file the item.

9. Consideration of Resolution No. 2008-3033, a Resolution Forming Utility Underground District No. 2008-01 Along the North Side of Santiago Boulevard from the Centerline Intersection of Wanda Road to approximately 705 Feet East of Wanda Road to Santiago Boulevard Intersection.

Mayor Reese opened the public hearing.

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

Councilmember Ulmer questioned the estimated costs of underground utilities. City Engineer O'Neil stated it is approximately \$400/foot for 12 kV and \$1,100/foot for 66 kV.

Councilmember Ulmer then questioned how the monies came about. City Engineer O'Neil stated each year the Southern California Edison Company sets aside funds to underground utilities in cities throughout Southern California. These funds are known as Rule 20A Funds and are based on the number of meters in the City and energy usage.

Mayor Reese closed the public hearing.

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by the following roll call vote to adopt Resolution No. 2008-3033:

|       |                 |                             |
|-------|-----------------|-----------------------------|
| AYES: | COUNCILMEMBERS: | Pauly, Reese, Ulmer, Rheins |
| NOES: | COUNCILMEMBERS: | None                        |

ABSTAIN: COUNCILMEMBERS: None

### **CONSENT CALENDAR**

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by the following roll call vote to approve the Consent Calendar:

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

The Consent Calendar consisted of the following items:

10. Consideration to Waive Reading in Full of all Ordinances and Meeting Minutes on the Agenda. Approved Action: That the City Council Waive Reading in Full of all Ordinances and Meeting Minutes on the Agenda.
11. Consideration of City Council Minutes of August 26, 2008. Approved Action: That the City Council Approve the Minutes of August 26, 2008.
12. Consideration of the List of Demands from August 18 through September 10, 2008. Approved Action: That the City Council Approve the List of Demands in the Amount of \$396,681.31.
13. Consideration of Treasurer's Report for the Month of August. Approved Action: That the City Council Receive and File the Treasurer's Report for the Month of August.

### **RECESS**

### **ITEMS FOR CONSIDERATION**

14. Consideration of Closing City Hall to the Public for Internal Work Days – October 13, 2008, and November 10, 2008.

Assistant to the City Clerk Hildenbrand presented the staff report and was available for questions.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by a unanimous voice vote to authorize the City Manager to close City Hall to the public on Monday, October 13, 2008, and Monday, November 10, 2008, for internal Staff work days and publicize accordingly.

15. Consideration of Award of Contract for Villa Park Library HVAC Installation.

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

Councilmember Pauly questioned if the City will be able to retain the monies left over. City Manager Domer confirmed the City would attempt to maximize the benefit to the library and work with the Supervisor's office.

It was moved by Mayor Pro Tem Rheins, seconded Councilmember Pauly by and carried by the following roll call vote to award the Contract for installation of the Villa Park Library HVAC Installation to Airtech, Inc; approve CEQA findings and authorize the City Manager to execute applicable documents:

|          |                 |                             |
|----------|-----------------|-----------------------------|
| AYES:    | COUNCILMEMBERS: | Rheins, Pauly, Ulmer, Reese |
| NOES:    | COUNCILMEMBERS: | None                        |
| ABSTAIN: | COUNCILMEMBERS: | None                        |

16. Consideration of Authorization for Solicitation of Bids for the Mesa Street Guardrail Improvement Project.

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

It was moved by Councilmember Ulmer, seconded Councilmember Pauly by and carried by the following roll call vote to authorize the City Engineer to solicit bids for the Mesa Street Guardrail Improvement Project and return to the City Council for the award of project on November 25, 2008:

|          |                 |                             |
|----------|-----------------|-----------------------------|
| AYES:    | COUNCILMEMBERS: | Ulmer, Pauly, Rheins, Reese |
| NOES:    | COUNCILMEMBERS: | None                        |
| ABSTAIN: | COUNCILMEMBERS: | None                        |

17. Consideration of Professional Services Agreement with Norris-Repke for Engineering, Building, Water Quality, and Code Enforcement Services.

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

It was moved by Mayor Pro Tem Rheins, seconded Councilmember Ulmer by and carried by the following roll call vote to approve the Professional Services Agreement with Norris-Repke and authorize the City Manager to execute applicable documents:

|          |                 |                             |
|----------|-----------------|-----------------------------|
| AYES:    | COUNCILMEMBERS: | Rheins, Ulmer, Pauly, Reese |
| NOES:    | COUNCILMEMBERS: | None                        |
| ABSTAIN: | COUNCILMEMBERS: | None                        |

18. Consideration of Letter of Opposition to Senate Bill 375 (Steinburg) Regarding Sustainable Communities and Erosion of Local Control.

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

Councilmember Pauly asked that City staff put this information out to the public including a public input number which they can call and voice their concerns as well. City Manager Domer stated he would and the number is (916) 445-1455 or (916) 445-2841.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Ulmer and carried by a unanimous voice vote to oppose Senate Bill 375 and send a letter of opposition to the Governor urging his veto.

19. Consideration of Repair Options for Cannon Street Retaining Wall.

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

Councilmember Pauly questioned if there are any additional costs to be added to the Engineer's estimates of each option. City Engineer O'Neil confirmed all costs were built into the estimate. She additionally questioned who would run and be in control of the project. City Manager Domer stated the City Council will be the project managers and he and the City Engineer will report to them answering any and all questions. The City will be in sole control of the project ensuring past errors will not be made again.

After City Council discussion, it was moved by Mayor Pro Tem Rheins, seconded by Councilmember Ulmer and carried by the following roll call vote to authorize the City Engineer to begin design and specifications for a Concrete Cantilevered Retaining Wall, to direct the City Manager and City Engineer to finalize funding plans with the County of Orange and Orange County Transportation Authority and to authorize the City Manager to negotiate an applicable Memorandum of Understanding for City Council consideration at a future meeting:

|          |                 |                             |
|----------|-----------------|-----------------------------|
| AYES:    | COUNCILMEMBERS: | Rheins, Ulmer, Pauly, Reese |
| NOES:    | COUNCILMEMBERS: | None                        |
| ABSTAIN: | COUNCILMEMBERS: | None                        |

**COUNCILMEMBER COMMUNICATIONS**

20. Travel and Meetings.

Councilmember Pauly reported on the Serrano Water District meeting and on the Integrated Resources Planning meeting with the Metropolitan Water District of Southern California.

Mayor Pro Tem Rheins reported on the Vector Control District Board meeting and the Orange County Firefighter's Memorial held on September 11.

Mayor Reese reported on the Orange County Sanitation District Board meeting and the Orange County Fire Authority Board meeting.

It was approved unanimously by the City Council to receive and file the Travel and Meeting Report detailing reimbursed meetings, conferences or seminars for the time period of August 26, 2008 to September 23, 2008.

21. Individual Councilmember Items.

Councilmember Ulmer expressed his extreme dissatisfaction on an editorial published by the Orange County Register on August 31 entitled "Villa Park's watching you." The article was filled with factual errors triggering a reply from Mayor Reese and himself. Councilmember Ulmer went on to read the reply saying this is an issue that ought not to go unaddressed.

Councilmember Pauly reminded residents to join the City's "No Solicit Registry." She brought up another concern regarding the Orange County Register. On the back page were the weather report is, she noticed Villa Park always shows N/A and questioned how to correct this. City Manager Domer stated he would look into the issue.

Mayor Reese spoke on the OCFA Joint Power Authority contract. At this point he stated felt the City has done their due diligence in reviewing alternative options and asked that City Council put it on January's City Council agenda for consideration. Councilmember Pauly questioned the deadline for signing the contract. Mayor Reese stated our current contract expires in June 2010. It was the consensus of the Council to place the item on the January 2009 agenda.

**STAFF REPORTS**

City Manager/City Clerk

City Manager Domer introduced new staff member Joyce Hansen and read a short biography about her. City Manager Domer also reported on general street sweeping issues and reminded residents to trim overgrowth to allow for the sweeper to get through.

Assistant to the City Clerk Hildenbrand reported on the Great Southern California ShakeOut which is a week of special events featuring the largest earthquake drill in U.S. history.

Finance Department

Finance Manager Danaher reported on the FY 2007-08 year end audit. The audit is final and will be brought to Council next month.

City Attorney

City Attorney Litfin stated he put one matter on Closed Session relating to the Cannon Wall. As we learned tonight that matter is still in process and it can be delayed until we have a bit more clarity. When the time is right, he will put it back on the agenda.

City Engineer

No Report.

**ORDINANCES**

None.

### **RESOLUTIONS**

22. Consideration of Resolution No. 2008-3035, Proclaiming October 24, 2008, as Developmental Disabilities Day.

Assistant to the City Clerk Hildenbrand presented the staff report and was available for questions.

It was moved by Councilmember Pauly, seconded Councilmember Ulmer by and carried by a unanimous voice vote adopt Resolution No. 2008-3035, proclaiming October 24, 2008, as Developmental Disabilities Day.

23. Consideration of Resolution No. 2008-3034, Proclaiming October 2008 as Walk to School Month in the City of Villa Park.

Assistant to the City Clerk Hildenbrand presented the staff report and was available for questions.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by a unanimous voice vote adopt Resolution No. 2008-3034, proclaiming October 2008 as Walk to School Month.

24. Consideration of Resolution No. 2008-3036, Proclaiming November 1, 2008, as "Step Out: Walk to Fight Diabetes" Day in Support of the American Diabetes Association.

Assistant to the City Clerk Hildenbrand presented the staff report and was available for questions.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by a unanimous voice vote adopt Resolution No. 2008-3036, proclaiming November 1, 2008, as "Step Out: Walk to Fight Diabetes" Day in support of the American Diabetes Association.

### **ORAL COMMUNICATIONS**

None.

### **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to Government Code § 54956.9 (c) - (1 case).

Removed by City Attorney Litfin previously in the meeting.

### **ADJOURNMENT**

It was moved by Mayor Reese and carried unanimously to adjourn at 10:07 p.m. in memory of Mr. John Parker, a long-time friend of the community and Villa Park City Attorney from November 17, 1966, to June 29, 1978, who passed away on August 30, 2008.

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Brad Reese, Mayor  
City of Villa Park

**ATTEST:**

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Kenneth A. Domer, City Clerk  
City of Villa Park