

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, October 28, 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 6:32 p.m.

ROLL CALL

COUNCILMEMBERS PRESENT

Brad Reese	Mayor
Deborah Pauly	Councilmember
W. Richard Ulmer	Councilmember
Vacant	Councilmember

COUNCILMEMBERS ABSENT

James Rheins	Mayor Pro Tem
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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

FLAG SALUTE

Rob Cowle with daughter, Taylor, led the Flag Salute.

INTRODUCTIONS AND PRESENTATIONS

- Presentation of Academic Achievement Award to Alexa Zeiger from Cerro Villa Middle School. Mayor Reese read a biography about Alexa and presented her with a certificate of achievement and gift certificate to First Class Pizza.
- Presentation of Commendation to Villa Park Area School Crossing Guard, Ruth Chavez. Mayor Reese expressed the City's sincere thanks and appreciation for keeping our kids safe throughout the school year and presented her with gift certificates donated from Rockwell's Bakery, the Coffee Grove, Bagel Me and Elite Nails.
- State of the School Address – Serrano Elementary. A representative from Serrano Elementary was unable to attend the meeting.

- Representative from the Villa Park Community Services Foundation. Steve Marquez, Director of Community Services, updated the Council on upcoming Foundation events to include the HalloweenFest and Inland Boat Parade.
- Villa Park Women's League Beautification Award Presentation. A representative from the Women's League was unable to attend the meeting and City Manager Domer gave a brief update on the VPWL's effort to promote beautification in the City.
- Chief of Police Services Lt. Tom Gallivan – Law Enforcement Issues. Lt Gallivan reported that crimes of opportunity remain consistent in the City and reminded residents to always lock their doors and windows, both vehicular and residential.

ORAL COMMUNICATIONS

Jill Kuli, 9481 Henderson Way, spoke in opposition to a political campaign flyer that was left on her doorstep based on its unethical nature.

Bruce Gleason, 9782 Santiago Boulevard, announced he was holding a meeting in the Community Room on October 29 at 7:00 PM to discuss Measure AA.

Rob Cowle, Owner of Rockwell's Bakery, introduced Le Cordon Bleu graduate and new dinner Chef, Josh Ussher.

Jack Cleary, 18811 Peppertree Drive, voiced his opinion regarding the stealing of election signs.

Brett Selter, Americare Ambulance Service, presented information on Americare and announced they will bid on OCFA's RPF for Ambulance Services for the City of Villa Park.

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit No. 0688, a Request to Increase the Total Number of Garage Spaces on the Property to Six (6) and to Exceed the Height Allowance for Detached Garage for a New Height of Fifteen (15) Feet. Location: 19012 Mesa Drive. Applicants: Daljit and Elaine Sarkaria.

Mayor Reese opened the public hearing.

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

John Sarkaria, son of the applicant, spoke in favor of the project.

After no further public testimony, Mayor Reese closed the public hearing.

It was moved by Councilmember Ulmer, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2008-3038, approving Conditional Use Permit No. 0688:

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

CONSENT CALENDAR

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

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

The Consent Calendar consisted of the following items:

2. 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.
3. Consideration of City Council Minutes of September 23, 2008. Approved Action: That the City Council Approve the Minutes of September 23, 2008.
4. Consideration of the List of Demands from September 11, 2008 through October 28, 2008. Approved Action: That the City Council Approve the List of Demands in the Amount of \$289,109.20.
5. Consideration of Treasurer's Report for the Month of September. Approved Action: That the City Council Receive and File the Treasurer's Report for the Month of September.
6. Consideration of First Quarter Financial Report for Period Ending September 30, 2008. Approved Action: That the City Council Receive and File the Quarterly Report for Period Ending September 30, 2008.

ITEMS FOR CONSIDERATION

7. Acceptance of 2007-2008 External Audit Report from Mayer, Hoffman & McCann.

Finance Manager Danaher presented the staff report and was available for questions.

Councilmember Pauly questioned if the audit was considered a public document. Finance Manager Danaher confirmed it was. City Manager Domer stated it is on the website currently in its entirety. Councilmember Pauly stated she asked a member of the community, who is an expert in the area of financials, to review the audit report. After review with this individual, and based on her positive comments, Councilmember Pauly stated she is comfortable with the audit and mentioned she would like to review a copy of the City's purchasing policy.

It was moved by Councilmember Ulmer, seconded by Mayor Reese and carried by a unanimous voice vote to receive and file the External Audit Report.

8. Proposed Stop Signs at Valley Drive and Lemon Street Intersection

City Manager Domer and City Engineer O'Neil presented the staff report and were available for questions.

Councilmember Ulmer congratulated the residents in the area who came forward and voiced their concerns in the interest of safety.

Councilmember Pauly questioned what site distance barriers are. City Engineer O'Neil stated, in this circumstance, a white painted line. Councilmember Pauly additionally questioned how many accidents have happened at this intersection. City Manager Domer stated none have been reported in the last 5 – 8 years, however, there was an accident years ago which was a high speed injury roll over. Councilmember Pauly suggested broadly disseminating the notice of public hearing throughout the entire community instead of the immediately affected area.

It was moved by Councilmember Ulmer, seconded by Mayor Reese and carried by a unanimous voice vote to set a Public Hearing for November 18, 2008, to discuss the proposed stop signs at the intersection of Valley Drive and Lemon Street.

9. Re-consideration of Repair Options for Cannon Street Retaining Wall.

City Manager Domer and City Engineer O'Neil presented the staff report and were available for questions. City Engineer O'Neil stated that unfortunately the estimate from last Council meeting did not contain all of the costs and upon determining the cost, it was felt that more options were needed to review. The City Manager stated that the additional alternative of a post and pile slough wall, while less costly, was preferred based on its ability to retain and withstand further movement of the slope. From an engineering perspective, it is a very viable approach given the factors present, including costs of all other alternatives.

City Council discussion ensued relating to the construction, maintenance, cost and funding, and durability of the Pre-Formed Slough Wall verse the Concrete Cantilevered Retaining Wall. The aesthetic detail of the Pre-Formed Slough Wall will be discussed at a future City Council meeting but was acknowledged to be included in the estimated cost.

It was moved by Councilmember Ulmer, seconded by Mayor Reese and carried by the following roll call vote authorize the City Engineer to begin design and specifications for a Modified, Pre-Formed Slough Wall; direct the City Manager and City Engineer to finalize funding plans with the County of Orange and Orange County Transportation Authority; and authorize the City Manager to negotiate an applicable Memorandum of Understanding for City Council consideration at a future meeting:

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

10. Consideration of Award of Construction Contract for 2008-09 Street Maintenance Project.

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

Councilmember Pauly noted this project was authorized to bid at the March 25, 2008, City Council meeting and questioned why it took so long to award the construction contract.

City Manager Domer replied saying the City was going to combine FY 2007-08 and FY 2008-09 revenues in order to get a better economy of scale for the project. At that time, the City was looking to award the contract in June; however, we received information from the State that they were looking to delay some of our revenue. During the June budget deliberations the City Council approved Staff recommendation to scale the project back to \$525,000 as Staff was not confident of the State's financial condition. The engineers designed the project and their estimate came in at approximately \$478,000. The City received a lower bid than the engineer's estimate of approximately \$362,000. It is staff's recommendation to award the contract and save the remaining budgeted funds pending the continued financial turmoil.

Councilmember Pauly stated she does not want deferred maintenance to become a habit. She additionally asked that construction not take place on or around the schools while they are in session.

City Manager Domer replied saying the City will work with the contract to avoid the schools.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to award a construction contract to American Asphalt South in the amount of \$362,970.19 and authorize the Mayor to execute said contract:

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

COUNCILMEMBER COMMUNICATIONS

Mayor Reese reported on the Orange County Sanitation District's Board meeting, the Orange County Fire Authority's Ad Hoc Committee meeting, and the City/Schools Advisory Committee meeting.

Councilmember Ulmer reported on the Investment Advisory Committee and the Community Development Committee meetings.

Councilmember Pauly reported on the Serrano Water District's meeting.

11. Travel and Meetings.

No Councilmember attended a meeting paid for by the City for the time period of September 23, 2008 to October 28, 2008. The Travel and Meeting Report was received and filed.

12. Individual Councilmember Items.

Mayor Reese mentioned he would like to see the City collaborate with the schools to create a city-wide effort in collections benefiting the Second Harvest Food Bank.

Councilmember Pauly spoke on the upcoming fall 2008 City newsletter noting it is one of the best that she has seen. Specifically, mentioning that the Sewer Usage Fee Report shows residents exactly how their money is being spent.

Councilwoman Pauly - Overview of Technology Committee and Related Actions.

Councilmember Pauly reported on the Technology Committee meeting in which the Committee reviewed and discussed the Wireless Master Plan conducted by ATS Communications. After discussion, it was the consensus of the Committee that the contract with ATS be terminated due to lack of performance. Councilmember Pauly asked the City Council consider the termination of the ATS contract. City Manager Domer stated that this can be reviewed but that there needs to be an opportunity for ATS to provide further information on its progress and that he felt progress had been made which had culminated in the two part process now being followed by the Technology Committee and Investment Advisory Committee.

City Attorney Litfin reviewed the contract and there is a termination clause which talks about material breaches triggering the right to terminate before the March 2009 expiration date. The City would have to argue that somehow ATS had not fulfilled their obligations; however, the contract does expire in March 2009 which clearly presents an opportunity to terminate.

City Council discussion ensued relating to the agreement with ATS Communications. After discussion, City Council directed staff to arrange for ATS Communications to meet with the Technology Committee and present where they stand with the Distributed Antenna System.

STAFF REPORTS

City Manager/City Clerk

City Manager Domer introduced Jorge Garcia, Executive Intern, and MPA student from California State University, Fullerton. City Manager Domer announced City Hall will be closed to the public on November 10 and closed on November 11 in honor of Veteran's Day. Regarding election items, City Manager Domer asked that an installation and reorganization meeting be scheduled for December 9, 2008. Finally, City Manager Domer reported the State Water Resources Control Board increased their fees in which the City will see slight increases based on our size.

Assistant to the City Clerk Hildenbrand reported on the Great American ShakeOut drill to be held at City Hall on November 13, the possibility of starting another CERT class in the first part of 2009, and the recent code enforcement complaint policy generated to increase efficiency and expedite the correction process.

Finance Department

No report.

City Attorney

No report.

City Engineer

No report.

ORDINANCES

None.

RESOLUTIONS

13. Consideration of Resolution No. 2008-3037 Approving an Amended Conflict of Interest Code for Designated City Personnel and Consultants.

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

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by the following roll call vote to adopt Resolution No. 2008-3037 approving an amended Conflict of Interest Code for designated City personnel and consultants:

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

ORAL COMMUNICATIONS

None.

CLOSED SESSION

None.

ADJOURNMENT

It was moved by Mayor Reese and carried unanimously to adjourn at 8:46 p.m.

Brad Reese, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park