

ACTION MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park convened Tuesday, November 17, 2009 at 6:30 p.m. in an adjourned regular meeting and special members meeting of the Villa Park Community Access Television Corporation in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

ROLL CALL Mayor Rheins called the meeting to order at 6:31 p.m.

COUNCILMEMBERS PRESENT

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

STAFF PRESENT

Lori Sassoon	City Manager
Jarad Hildenbrand	Assistant City Manager / City Clerk
Todd Litfin	City Attorney
Michelle Danaher	Finance Manager
Jason Carson	Associate Planner
Jorge Garcia	Management Assistant

City Attorney Litfin announced the purpose of the closed session, and the addition of two anticipated litigation items that were brought to the City's attention after the posting of the agenda. He explained these items can be added to the agenda with a 4/5 vote.

It was moved by Councilmember Pauly, Seconded by Councilmember Reese and carried by the following roll call vote to add the two items to the agenda:

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

CLOSED SESSION

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Led by Abby Mills and Katrina Sommer from Villa Park Elementary School

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

- Academic Achievement Award – Melissa Roberts from Orange Lutheran High
- YMCA of Orange Indian Guides/ Indian Princess program
- Villa Park Community Services Foundation update
- Announcement of the 12th Annual Villa Park Boat Parade Grand Marshal
- Law enforcement issues - Chief of Police Services Lt. Tom Gallivan

MUNICIPAL ELECTION MATTERS

2. Election of Mayor and Mayor Pro Tem by the City Council.

City Clerk Hildenbrand provided the Council the election procedure that has historically been followed and declared the offices of Mayor and Mayor Pro Tem vacant.

Councilmember Ulmer nominated Councilmember Mac Aloney for the position of Mayor.

With no further nominations, a voice vote was taken and Councilmember Mac Aloney was nominated Mayor for 2010.

Mayor Mac Aloney accepted his seat and asked for nominations for the position of Mayor Pro Tem.

Councilmember Reese nominated Councilmember Ulmer for the position of Mayor Pro Tem.

With no further nominations, a voice vote was taken and Councilmember Ulmer was nominated Mayor Pro tem for 2010.

ORAL COMMUNICATIONS

None

PUBLIC HEARINGS

3. **Consideration of Resolution No. 2009-3081, declaring conditions at 9491 Lemon Street, Villa Park, California a public nuisance, ordering the correction of said Nuisance and authorizing abatement. (Continued from June 23, 2009, July 14, 2009, August 25, 2009, September 22, 2009, and October 27, 2009)**

Associate Planner Carson presented the staff report.

Mayor Mac Aloney opened the public hearing, with no one in the audience wishing to speak; Mayor Mac Aloney closed the public hearing.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Reese and carried by the following roll call vote to adopt Resolution No. 2009-3081:

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

4. **Consideration of Resolution No. 2009-3096 and Conditional Use Permit No. 0700, a request to allow the primary structure on the property to be constructed to a maximum height of thirty-two (32') feet, and to construct up to four (4) garage stalls on the property. Location: 18922 Santiago Boulevard. Applicant: Sam Olsen. (Continued from October 27, 2009)**

Associate Planner Carson presented the staff report.

Mayor Mac Aloney opened the public hearing, with no one in the audience wishing to speak; Mayor Mac Aloney closed the public hearing.

It was moved by Councilmember Rheins, seconded by Councilmember Reese and carried by the following roll call vote to adopt Resolution No. 2009-3096:

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

5. **Consideration of Resolution No. 2009-3099 and Conditional Use Permit No. 0701, a request to construct a recreational court with lighting and fencing in the rear area of the property. Location: 18281 Montana Circle. Applicant: Gregory Yun.**

Associate Planner Carson presented the staff report.

Mayor Mac Aloney opened the public hearing.

David Cheng, 18282 Francisco Drive, expressed his opposition to the project.

Kirk Fullerton, 18261 Montana Circle, spoke in favor of the project.

Linda Koob, 18302 Montana Circle, expressed concerns regarding the recreational court lighting.

Dave Humphreys, 18262 Francisco Drive, spoke in favor of the project as long as proper screening was installed.

Tom Dodge, 18221 Montana Circle, expressed concerns regarding proper screening, noise, and lighting of the court.

Gregory Yun, applicant, spoke in favor of his project and addressed the concerns of his neighbors regarding the lighting of the court.

Joe Kay, Mr. Yun's lighting manufacturer, further addressed the concerns of Mr. Yun's neighbors regarding the lighting of the court.

With no one else wishing to speak, Mayor Mac Aloney closed the public hearing.

Mayor Pro Tem Ulmer suggested restricting the recreational courts time to 9:30 PM and moved to approve the Conditional Use Permit and adopt Resolution No. 2009-3099. It was seconded Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2009-3099 with the added time restriction:

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

CONSENT CALENDAR (ITEMS # 6-14)

City Manager Sassoon pulled item 11. Councilmember Pauly pulled item 12.

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

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

6. Warrants and disbursements from October 13, 2009 to November 6, 2009.

RECOMMENDATION: Approve warrants and disbursements in the amount of \$214,477.57.

7. Financial Treasurer's Report for the month of October.

RECOMMENDATION: Receive and file.

8. Resolution No. 2009-3098, approving the revisions to the Orange County Tax Administration Program regulations.

RECOMMENDATION: Adopt Resolution No. 2009-3098, approving the revisions to the Orange County Taxi Administration Program regulations.

9. Ordinance No. 2009-547, adding Chapter 24 to the Villa Park Municipal Code regarding the adoption of a water efficient landscape ordinance.

RECOMMENDATION: Approve a second reading and adopt Ordinance No. 2009-547.

10. Ordinance No. 2009-548, adding Section 23-16.3(b)(4) to the Villa Park Municipal Code regulating the posting of temporary signs for lost domestic pets.

RECOMMENDATION: Adopt a first reading of Ordinance No. 2009-548 and schedule a second reading for December 15, 2009.

13. Submittal of Annual Water Quality Program Evaluation Assessment (PEA).

RECOMMENDATION: No action required.

14. First Quarter Update – FY 2009/10 Priorities and Work Plan.

RECOMMENDATION: Receive and file.

ITEM(S) PULLED FROM THE CONSENT CALENDAR

11. Request for revocation of Encroachment Agreement at 18511 Villa Drive.

City Manager Sassoon presented the staff report.

Russ Patterson, Martinique Court, expressed his opposition to the revocation of the existing encroachment agreement.

Bill Hart, Rossier's attorney, expressed the Rossier's concerns and spoke in favor of the revocation.

Betty Dominguez, 18472 Rosenau Drive, read a letter in support of the Carri's expressing opposition to the revocation of the existing encroachment agreement.

Joe Carri, 18511 Villa Drive, spoke in favor of the existing encroachment agreement.

Barbara Rossier, 18521 Villa Drive, spoke in opposition of the existing encroachment agreement.

Joe Carri Jr., spoke in favor of the existing encroachment agreement.

City Council discussion ensued regarding the existing encroachment agreement. Upon conclusion of the discussion, it was moved by Councilmember Rheins, seconded by Councilmember Pauly and carried by the following roll call vote to take no action and table the item indefinitely:

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

12. Authorization to amend the FY 2009/10 Budget for costs related to the Lemon Street Recreational Trail and Lemon Street Median projects.

Councilmember Pauly questioned where the City planned to pull the money from to cover the additional costs associated with the projects.

City Manager Sassoon responded stating the City planned to appropriating funds from the City's unappropriated General Fund balance, for a total cost of \$34,100.

It was moved by Councilmember Pauly, seconded by Mayor Pro tem Ulmer and carried by the following roll call vote to authorize the Finance Manager to amend the FY 2009/10 budget to appropriate an additional \$34,100 for costs associated with the Lemon Street capital projects, as noted in the staff report:

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

NEW BUSINESS

15. Consideration of amendments to the Statement of Investment Policy, and contractual agreement with Wells Fargo Advisors LLC for laddered investment purchases.

Finance Manager Danaher presented the staff report.

Bill Nelson, Vice-Chair of the Investment Advisory Committee, provided comments in favor of the amendments to the Statement of Investment Policy.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2009-3097:

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

OLD BUSINESS

16. Discuss and provide direction to staff regarding the classification of Villa Park Road in the Circulation Element of the City's draft General Plan.

City Manager Sassoon presented the staff report mentioning that City staff met with representatives of OCTA, including Supervisor Campbell, Director Greg Winterbottom, OCTA CEO Will Kempton, and other OCTA staff members to find a resolution to this issue that will satisfy our needs. After discussion at that meeting regarding the various issues, Mr. Kempton committed to finding a solution that would preserve Villa Park's Measure M funding while addressing the City's desire to keep Villa Park Road classified as a primary arterial. Mr. Kempton suggested that the City defer action for 60 days to allow OCTA staff time to develop a solution that is acceptable to all.

Tom Dodge, 18221 Montana Circle, expressed thanks and appreciation for the invitation to attend the meeting with Supervisor Bill Campbell and OCTA.

Belinda Bender, 18262 Evergreen Circle, expressed her concerns and opposition to the widening of Villa Park Road.

Jan Naylor, 10335 Prado Woods Drive, strongly urged the Council to declare Villa Park Road a Primary Arterial rather than a Major Arterial.

Selma and Derrick Wakeham, 17952 Athens Avenue, expressed their concerns and opposition to the widening of Villa Park Road.

John Broussard, 18011 Huntington Circle, expressed his concerns and opposition to the widening of Villa Park Road.

City Council discussion ensued.

It was moved by Councilmember Rheins, seconded by Mayor Pro Tem Ulmer and carried by a unanimous voice vote to table this matter, and bring this issue back at a later date once a proposed solution is received from OCTA.

SPECIAL MEMBERS MEETING OF THE VILLA PARK COMMUNITY ACCESS TELEVISION CORPORATION – Convened at 10:31 PM.

17. Dissolution of the Villa Park Community Access Television Corporation (VPCATV) and restructuring of the VPTV function.

City Manager Sassoon presented the staff report.

Harvey Beigel, 19041 Mesa Drive, expressed his concerns towards the dissolution of VPCATV and the future of the high school students.

Joel Markovitz, 17972 Lincoln Street, read a letter from his daughter, Samantha, who was last year's high school director currently away at college. Samantha expresses support for VPCATV commends the high school students for a job well done.

Teri Elmendorf, 10291 Camden Circle, expressed her opposition towards the dissolution of VPCATV.

Claude Prettyman, 10681 Hastings Drive, expresses support for VPCATV and commends the high school programs.

City Council discussion ensued.

It was moved by Councilmember Rheins, seconded by Mayor Mac Aloney and carried by the following roll call vote to authorize the City Manager to assume operations of Villa Park Cable Access Television effective December 1, reintegrating the Villa Park High School students once the technological issues in the studio and Council Chambers have been resolved, and the calling of a Special Members Meeting of the Villa Park Community Access Television Corporation on January 26, 2010, to consider amending the bylaws, amending the Articles of Incorporation, replacing members of the VPTV Board if necessary, and to dissolve the corporation:

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

MAYOR AND COUNCILMEMBER MATTERS

18. Individual councilmember information items and/or required meeting attendance reports.

Councilmember Rheins reported on the League's Orange County Division Selection Committee meeting.

Mayor Pro Tem Ulmer reported on the Foundation's Park Exploratory Subcommittee.

Councilmember Pauly reported on the Serrano Water District Board meeting, and on the Technology Committee meeting.

Councilmember Reese reported on the Orange County Sanitation District Meeting as well as the City/Schools Advisory meeting.

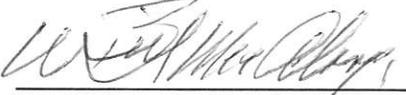
Mayor Mac Aloney reported on the VPCATV Board meeting, the Serrano Water District Board meeting, and the Orange City/Schools Advisory meeting.

CITY MANAGER'S REPORT

None

ADJOURNMENT – The City Council adjourned at 11:42 p.m.

The next City Council Meeting is scheduled for December 15, 2009 at 7:00 p.m.



W. Bill Mac Aloney, Mayor
City of Villa Park

ATTEST:



Jarad L. Hildenbrand, City Clerk
City of Villa Park

Note: The above minutes are a summary of actions. A DVD recording of this meeting additionally serves as an official record and is available upon request from City Hall.

