

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

**April 28, 2015  
Regular Meeting**

**CLOSED SESSION**

5:00 p.m. – City Council Chambers

**ROLL CALL** - Mayor Fascenelli called the Closed Session to order at 5:00 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Nelson, Mills and Fascenelli

ABSENT: None

1. Conference with Legal Counsel - Significant exposure to litigation -- Government Code Section 54956.9(d)(2) (One case).
2. Public Employee Performance Evaluation -- Government Code Code Section 54957 - Title: City Manager.

**ADJOURNMENT**

**GENERAL SESSION**

6:30 p.m. – City Council Chambers

**ROLL CALL** - Mayor Fascenelli called the General Session to order at 6:30 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Nelson, Mills and Fascenelli

ABSENT: None

**PLEDGE OF ALLEGIANCE TO THE FLAG**

## **PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS**

- Orange County Fire Authority update
  - Wildfire Awareness Week: May 3-9, 2015
  - Drowning Prevention Awareness
- Orange County Sheriff's Department update
- Council Member Announcements

City Attorney Megan Garibaldi stated there are no reportable actions from closed session.

## **ORAL COMMUNICATIONS**

Mayor Fascenelli opened and closed public comments since there were none.

## **PUBLIC HEARINGS**

### **3. WAIVED READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA**

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

### **4. Conditional Use Permit request at 17859 Santiago Boulevard to reinstate the use of a telecommunications facility (previously CUP 0629). This item was continued from City Council's meeting on February 24 and March 17.**

Planning Manager Ray Pascua gave the staff report.

Mayor Fascenelli opened public comments.

Albert Sandoval, applicant, spoke about the aesthetic changes proposed.

Mayor Fascenelli closed public comments.

City Attorney Megan Garibaldi spoke about the addition of several items to the special conditions including: AT&T shall not be authorized to operate the monopine or other wireless facilities on the Bank of America property without obtaining a CUP; and the existing monopine shall operate specifically with the items that are listed on their

application. Ms. Garibaldi relayed additional verbiage on the Resolution would include: Be it further resolved, all recitals are incorporated here and by this reference.

The applicant was asked if they are in agreement with the proposed conditions. The applicant replied yes.

It was moved by Councilman Nelson seconded by Mayor Pro Tem Mills, and carried by the following roll call vote, to adopt Resolution No. 2015-3314, Consideration of Conditional Use Permit No. 0760: a request to reinstate the approval for an existing forty-five (45) foot high monopine wireless communications facility located at 17859 Santiago Boulevard (AT&T).

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

5. **Conditional use Permit No. 2015-01, a permit to operate a large family day care within the R-1 zoning district. Location: 10705 Providence Drive.**

Planning Manager Ray Pascua gave the staff report. He relayed public hearing notices were distributed to residents within 300 feet of the proposed property. Mr. Pascua stated with the increase of 14 children, an additional employee would be needed. The City would be able to regulate days and hours of operation.

Mr. Bui, Applicant, spoke about his request and said traffic has not been an issue since pick up times vary.

Mayor Fascenelli opened public comments.

John Russo, Villa Park Resident, spoke in opposition. He requested to limit the size of the small family day care and limit the hours and days of operation to five (5) days a week, 7:30 a.m. to 5:00 p.m. Mr. Russo expressed concern with the increase of traffic caused by the proposed changes. He said property value would decrease as well.

Greg Winterbottom, Villa Park Resident, spoke in opposition. He expressed concern that there would be an increase in traffic and trash.

Lauren Mendoza, Villa Park Resident, spoke in opposition. She is concerned with the traffic increase and safety of children. In addition, Ms. Mendoza relayed there would be a decrease in property value due to this change.

Allison Wilson, Villa Park Resident, spoke in opposition saying there will be an increase of traffic.

Mayor Fascenelli closed public comments.

City Manager Hildenbrand relayed the City contacted the CDC but did not receive a recommendation from them.

It was moved by Mayor Fascenelli seconded by Councilman Collacott, and carried by the following roll call vote, to deny the CUP and bring back the Resolution of denial with written findings at the May 26, 2015 City Council meeting.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

6. Review of "Parking by Permit Only" restrictions on Featherhill Drive, Mountain View Circle and Dodson Way.

Councilman Collacott recused himself due to a potential conflict of interest. City Manager Hildenbrand relayed the Fair Political Practices Commission (FPPC) adopted several amendments to the public generally exception. The new exception would likely allow Councilman Collacott to participate on this item after its effective date, which will take about one month.

Mayor Fascenelli opened public comments.

Vince Rossini, Villa Park resident, relayed the Ad Hoc Committee agreed that Orange Unified School District (OUSD) should address this issue. He expressed concern with school traffic and safety of children. Mr. Rossini asked the City Council postpone the vote so that the entire City Council can participate.

Laurie Treeber, Villa Park resident, spoke about the traffic and safety issues at the local schools. She spoke in support of permit parking and requested the City Council postpone this item until June so that all the Council can vote.

Dan Treeber, Villa Park resident, spoke in support of permanent permit parking.

Mary Beth Felcyn, Villa Park resident, commented on the news article regarding opening the streets to public parking. Ms. Felcyn said OUSD is responsible for the parking issues and suggested they add a parking lot on Cerro Villa. She spoke in support of making the permit parking permanent.

Carol Stevens, Villa Park resident, spoke about her experience with inconsiderate drivers and children stealing from her trees in the front yard.

Tabashi Nylda, Villa Park resident, spoke about his experience with thoughtless drivers as well as children taking fruit from the trees in his front yard. He is concerned with vandalism as well.

Brad Etter, Villa Park resident and Villa Park Little League President, expressed his concern with parking and said this will start a precedent that will be difficult to stop.

Pat Lenz, declined to speak.

Bob Wolfe, Villa Park resident, asked that the City Council take care of Villa Park citizens when making their decision.

Jack Stevens, Villa Park resident, commented on OUSD and said they should provide parking. He requested the City Council take action and restrict parking so that OUSD would build a parking lot.

Amee Ramirez, Villa Park resident, expressed her concerns with speeding and safety. She asked that the City Council delay this item until the June meeting so that the entire Council can vote.

Richard Flores, Villa Park resident, spoke about the impact permit parking has on Villa Park Little League.

Larry Gilkerson, Villa Park resident, stated parking is not the issue, it is the traffic and amount of cars that are on the streets during drop-off and pick-up for students. He suggested having permit parking hours of 7:00 a.m. to 4:00 p.m.

Tim Doering, Villa Park resident, commented on the increase of traffic due to permit parking. He stated opening parking after 4:00 p.m. would be helpful.

Miriam Dudenhefer, Villa Park resident, spoke in opposition of restricting parking saying it will affect other streets. She asked that the City Council vote on this item today.

Howard Kirschner, Villa Park resident, spoke about permit parking and traffic. He asked that the City Council postpone voting on this item.

Lynne Barry, Villa Park resident, spoke about the traffic issues when walking to school. She asked that the City of Villa Park work with OUSD and the City of Orange to find a solution.

John Bowgart, Villa Park resident, expressed concern about the safety of the public. He stated OUSD needs to provide more parking and should be working with the city to find a solution.

Dr. Dow, Villa Park resident, stated the priority is the safety of the children. He suggested that parents park at the parking lot on Serrano Avenue. Dr. Dow asked that the City Council wait to vote on this when the entire Council is available to vote.

Stacey Meis, City of Orange resident, commented on the article she submitted to The Century. She said the safety and traffic issues have gotten worse since the restrictions were made.

Dr. Vu, Villa Park resident, spoke about the parking spaces available to parents and the little league participants at the school.

Donna Buxom, Villa Park resident, stated the issue would not be resolved at the City Council meeting, but needs to be addressed by OUSD.

Susan Simpson, Villa Park resident, spoke in opposition of the parking restrictions. She commented on the safety concerns due to the unsafe U-turns that are made at the island. She asked that residents on the street be allowed unlimited parking permits for their guests.

Mayor Fascenelli closed public comments.

Mayor Pro Tem Mills commented on the manners and driving etiquette, which are causing a problem. He said OUSD are aware of the traffic issues.

Mayor Fascenelli commented permitted parking has not alleviated traffic in the area. The issue is having three schools located within a mile of each other. She stated it is time to go to board meetings and said councilmembers have attended several school meetings. Mayor Fascenelli spoke about Councilman Collacott returning in 60 days to vote on this item due to the changes from FPPC. She said it would be unethical for him to make a vote since there is a financial interest.

Councilman Barnett encouraged the community to contact OUSD. He volunteered to meet with Superintendent Mike Christensen and discuss the parking and traffic issues. Councilman Barnett suggested to continue this item for six months and leave the permitted parking the way it is.

Mayor Pro Tem Mills suggested providing residents unlimited permits and changing the permit parking to 7:00 a.m. to 3:00 p.m. during the week.

Mayor Fascenelli said this is a larger issue than parking on Serrano. The issue is about private parking on public street.

Councilman Nelson said FPPC made the changes in their rules, which would allow Councilman Collacott to vote on this item. It is not an ethical issue if they change the rules. He spoke in support of continuing this item so that Councilman Barnett can speak with OUSD.

A motion was made by Councilman Nelson and seconded by Mayor Pro Tem Mills, to continue this item for up to six (6) months, to allow Councilman Barnett time to meet with OUSD.

A substitute motion was made by Mayor Pro Tem Mills to include unlimited parking permits on the streets and to change the hours of permitted parking to 7:00 a.m. to 4:00 p.m.

City Manager Hildenbrand stated the Municipal Code allows 12 permits per household but if a resident contacts the city regarding an event they would be hosting, the City would relieve the parking issue for the day or evening of the event.

A substitute motion was made by Mayor Fascenelli to remove the parking restrictions back to its original state, which would be to have no parking on Saturday and Sunday and to remove the restrictions during the week.

A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and carried by the following roll call vote, to continue the item up to six (6) months, and to change the permitted parking hours to 7:00 a.m. - 4:00 p.m.

AYES: Barnett, Collacott, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

## **7. Consideration of Serrano Avenue Restriping Traffic Plan.**

City Engineer Akram Hindiye gave the staff report. Serrano Avenue Traffic Safety Task Force has met with the School District for several months to look at ways to improve traffic flow on Serrano Avenue. The task force is proposing a dedicated right turn lane all the way from Featherhill down to the school parking lot. In addition, they would like to create a dedicated left turn lane into the school. By making these changes, some parking spaces and the bike lane will be removed. The proposal was discussed at the Task Force meeting as well as the School District meeting. In addition, the Community Development Committee is in support of the proposed changes. The proposal will cost the city \$20,00 and is suggested to take place during summer break when school is not in session.

Mayor Fascenelli commented the task force was not an official city committee and asked for a list of those who served on the task force.

Mayor Fascenelli opened public comments.

Donna Buxton, Villa Park resident, spoke in support of this item saying it will move traffic out of this area safely. It would also alleviate the blockage in front of Serrano Elementary School.

Brad Etter, Villa Park resident, spoke in opposition saying the changes would take away 20% of the little league parking. He said removing bike lanes from one of the busiest streets makes no sense. Mr. Etter suggested opening up parking on Featherhill if this proposal goes through.

Nikke Cremp, Villa Park resident and PFO President for Serrano Elementary, said this recommendation is the most reasonable plan for safety. Ms. Cremp served on the task force and said the City of Orange will not help with the problem.

Anna Gonzalez, Villa Park resident, spoke about the parking issues that will arise if this proposal is approved.

Christy, Villa Park resident, suggested adding a parking lot where there is free land on Serrano near the school.

Ryan, Villa Park resident and student, spoke his concerns regarding the space that is needed for team practices.

Heidi, City of Orange resident, expressed concern with traffic and safety on Serrano and said the restrictions on Featherhill directly impact Serrano.

Mayor Fascenelli closed public comments.

Councilman Barnett suggested continuing this item at least 30 days so that he can speak with Superintendent.

City Attorney Megan Garibaldi stated Councilman Collacott could vote on this item since his property is located greater than 500 feet from the designated area.

Mayor Pro Tem Mills spoke about the importance of bike lanes.

Mayor Fascenelli said she is against removing the bike lanes. Councilman Barnett agreed with the Mayor.

Councilman Nelson relayed the task force worked through many ideas and this proposal is the best idea. He is ok with pushing this item out a month.

City Manager Hildenbrand said the biggest concern is the impact on little league parking since most of the bikes are riding on the sidewalks at this location.



A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and carried by the following roll call vote to postpone this item 30 days.

AYES: Barnett, Collacott, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

A substitute motion was made by Mayor Fascenelli to deny the proposal and to come back with a new proposal.

8. **Pilot Project – Preliminary Utility Undergrounding Study: Valley Drive from Center Drive to Cerro Villa Drive.**

Mayor Fascenelli opened public comments.

Jack Ferraro, Villa Park resident, stated the people who want the study should pay for it, not the city.

Dave Moritz, Villa Park resident, spoke about several important points to be considered including identifying who will be the beneficiaries, identify all the funding sources available, establish a tiered payment system and that the scope need to be crystal clear. He suggested having a community meeting with the consultant. Mr. Moritz is not in support of this project unless the City partners up with a communication company to execute this program.

Vince Rossini, Villa Park resident, spoke about his concerns with the safety of the utilities above ground. He also served on the ad hoc committee.

Seth Hamilton, Villa Park resident, expressed concern if Valley Drive is the correct street to begin the project. He said the City Council should do what is right for the entire city and spoke about possible issues that would affect the project.

Steve Vliss, Villa Park resident, spoke in support of what the previous public speakers stated.

Jim Rickert, Villa Park resident, suggested looking at the entire city, not just a small area for the best cost. He also was not aware of the petition that was distributed to residents.

Glen, Villa Park resident, spoke in opposition of spending money on the study. He suggested the city do more research into other cities that have done this.

Ms. Robinson, Villa Park resident, relayed she wrote a letter to the City Council. She talked about her experience moving a pole underground on her property.

Villa Park resident, spoke in support saying it would increase property value and it would address any safety issues with above ground poles.

Kathleen, Villa Park resident, spoke in support saying it would increase property value throughout the city.

Mary, Villa Park resident, spoke in opposition of the study.

Michael, Villa Park resident, spoke in support and asked that the city include looking into working on the curb and gutters on Loma.

Diane, Villa Park resident, spoke in opposition and asked how the ad hoc committee decided on Valley Drive.

Frank, Villa Park resident, expressed concern with the cost of installation and asked for the names of the members on the committee.

Angel, Villa Park resident, spoke in support of this item.

Villa Park resident, said when the petition was presented, he was not told what it would cost.

Mayor Fascenelli closed public comments.

Mayor Fascenelli spoke about creating an assessment district and having the cost for the project paid by the people who want it. She is not in support of the city paying the \$15,000.

Councilman Nelson stated this is a benefit to the entire city. He said if the city goes forward with the study, they would get their initial investment of \$15,000 back.

Councilman Barnett relayed Southern California Edison gave the city a rough estimate of \$2.2 million and another \$1 million to put in the underground cable. Councilman Barnett motioned to create a survey for residents with the preliminary estimate cost of the project and to move this item 30 to 60 days.

City Manager Hildenbrand spoke about undergrounding of the utility poles in the town center years ago. Southern California Edison funded the project with funds that were designated specifically for underground utilities. City Engineer Akhram Hindiye stated public utility companies set aside money that is designated specifically for underground utilities.

Councilman Collacott said a professional estimate is needed to know what the overall cost would be per parcel.

Councilman Barnett made a motion to have the City Manager send a survey with the cost estimate to the residents, and after reviewing the responses, make an informed decision to have the city spend \$15,000 on the study. It was seconded by Mayor Pro Tem Mills.

A substitute motion was made by Mayor Fascenelli to reject the proposal to have the city pay the \$15,000 for the study and direct staff to notify the ad hoc committee they would have to pay for the study.

A motion was made by Councilman Barnett, seconded by Mayor Pro Tem Mills, and approved by the following roll call vote, to instruct the City Manager to send a survey to all the affected residents with all the preliminary cost estimates and to move this item a couple of months to gather the evaluations and review them.

AYES: Barnett, Collacott, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

#### **CONSENT CALENDAR (ITEMS #9-21)**

Councilman Barnett pulled Item 12, Villa Park Crime Analysis Report – February and March, 2015.

Councilman Nelson pulled Items 20, Consideration of opposition to SB608 regarding The Right to Rest Act; and Item 21, Consideration of opposition to AB1217 regarding The Orange County Fire Authority (OCFA) Board of Directors.

It was moved by Councilman Nelson, seconded by Mayor Pro Tem Mills, and carried by the following roll call vote to approve Consent Calendar items 9-11, 13-19, & 22.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

9. **Warrants and disbursements from March 7 – April 20, 2015.**

ACTION: Approved total warrants and disbursements of \$406,660.93.

10. **Financial Treasurer's Report for month of March, 2015.**

ACTION: Received and filed.

11. **Bi-monthly Financial and Monthly Capital Project Status reports.**

ACTION: Received and filed.

13. **Request approval of City Council minutes of March 17, 2015.**

ACTION: Approved.

14. **Appointments to the Villa Park Community Services Foundation.**

ACTION: As the Members of the Foundation, received the recommendation provided by the Board of Directors and appointed Directors as stated in the staff report.

15. **Authorizing the destruction of certain city records as provided by Section 34090 of the Government Code of the State of California.**

ACTION: Adopted Resolution No. 2015-3318.

16. **Amendment to Waste Disposal Agreement with County of Orange.**

ACTION: Adopted Resolution No. 2015-3319 amending the Waste Disposal Agreement (WDA) between the County of Orange and City of Villa Park to allow for the continued importation of waste at the County's three landfills and to extend the terms of the WDA through June 30, 2025.

17. **Updating authorized signers for investment of monies in the Local Agency Investment Fund (LAIF).**

ACTION: Adopted Resolution No. 2015-3320.

18. **Authorizing grant application for the Environmental Cleanup Program under the measure M2/Orange County Local Transportation for the Catch Basin Debris Screen Installment Project.**

ACTION: Adopted Resolution No. 2015-3322.

19. **Approval of an agreement with Gruber and Associates, for financial audit services for FY 2014/2015 through 2016/2017.**

ACTION: Approved an Agreement for Services with Gruber and Associates for audit services for Fiscal Years 2014/2015 through 2016/2017, and authorized the Mayor and City Clerk to execute on behalf of the City.

**ITEMS REMOVED FROM CONSENT CALENDAR**

12. **Villa Park Crime Analysis Report – February and March, 2015.**

Councilman Barnett commented on the reduction of crime.

It was moved by Councilman Barnett, seconded by Mayor Pro Tem Mills, and carried by the following roll call vote to receive and file the report.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

20. **Consideration of opposition to SB608 regarding The Right to Rest Act.**

Councilman Nelson stated this item does not belong on the Consent Calendar section of the agenda since it is not a routine item.

City Manager Hildenbrand gave a staff report.

It was moved by Councilman Nelson, seconded by Councilman Barnett, and carried by the following roll call vote to Oppose SB608 and authorize Mayor to communicate opposition.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

**21. Consideration of opposition to AB1217 regarding The Orange County Fire Authority (OCFA) Board of Directors.**

Councilman Nelson stated this item does not belong on the Consent Calendar section of the agenda since it is not a routine item.

Councilman Barnett spoke about this item saying it was regarding restructuring the board and making it smaller.

It was moved by Councilman Nelson, seconded by Councilman Barnett, and carried by the following roll call vote to adopt Resolution No. 2015-3323, Opposing Assembly Bill 1217; and oppose SB608 and authorize the Mayor to communicate opposition.

AYES: Barnett, Collacott, Nelson, Mills and Fascenelli

NOES: None

ABSENT: None

ABSTAIN: None

**MAYOR AND COUNCIL MEMBER MATTERS**

**22. Consideration of revising new financial reporting to monthly presentation versus bi-monthly presentation.**

Councilman Nelson spoke about receiving two financial reports, one monthly in the old format, and the other bi-monthly in the new format. He relayed that he did not vote on having both reports distributed and spoke about the municipal code stating the Director of Finance is tasked with providing a monthly report to the City Council. He spoke about the inconsistency between these two recommendations and said it would make sense to have the same monthly report.

City Manager Hildenbrand replied the additional monthly report does not take much staff time to generate. In addition, since it is provided monthly, they are in compliance with the municipal code.

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

Councilman Barnett attended a Fire Authority meeting where labor agreement issues were discussed in closed session.

Councilman Collacott attended a Law Enforcement Advisory Committee meeting and will have a report to give at the next City Council meeting.

Councilman Nelson asked to agendize changing the date of the June City Council meeting from June 23 to June 30. Councilman Nelson and Councilman Collacott will be absent due to the League of California Cities training, which begins on June 24. City Attorney Megan Garibaldi suggested to agendize this item for discussion at the next City Council meeting.

Mayor Pro Tem Mills attended an Administrative Committee meeting with the Sanitation District. He also attended several Vector Control meetings. Mayor Pro Tem Mills attended the valor meeting for the Orange County Sheriff Department.

Mayor Fascenelli attended three Serrano Water Board meetings. She also attended the opening of a new stem lab at Cerro Villa and said they will be opening one up at Villa Park High School. Mayor Fascenelli also attended a DUI forum. She met with the Orange County Board of the Red Cross and said they will be hosting an earthquake seminar soon. Mayor Fascenelli attended the unveiling of the victim monument in Irvine.

City Manager Hildenbrand announced the new Administrative Analyst would begin this week.

#### **ADJOURNMENT**

The City Council adjourned at 11:51 p.m. The next regular meeting will be held on Tuesday, May 26, 2015 at 6:30 p.m.



Diana Fascenelli, 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.

