

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

March 22, 2016
Regular Meeting

CLOSED SESSION

6:00 p.m. – City Council Chambers

ROLL CALL - Mayor Mills called the Closed Session to order at 6:00 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Fascenelli, Nelson and Mills

ABSENT: None

1. **Conference with Legal Counsel – Anticipated Litigation. Consideration of initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code. (One potential case)**

ADJOURNMENT – at 6:30 p.m.

GENERAL SESSION

6:30 p.m. – City Council Chambers

ROLL CALL - Mayor Mills called the General Session to order at 6:37 p.m.

COUNCILMEMBERS

PRESENT: Barnett, Collacott, Fascenelli, Nelson and Mills

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG – Juan Garcia from Troop 331

PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

County of Orange 3rd District Supervisor Todd Spitzer

- Orange County Sheriff's Department update
- Orange County Fire Authority update

- Orange County Vector Control
- Orange County Sanitation District
- Library Advisory/Friends of the Library
- Community Development and Public Safety
- Law Enforcement Advisory
- VP Community Services Foundation

ORAL COMMUNICATIONS

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

PUBLIC HEARINGS

2. Waive reading in full of all ordinances and resolution on the agenda.

A motion was made by Mayor Mills, seconded by Councilman Nelson, and approved by the following roll call vote, to waive reading in full of the ordinances and resolutions on the agenda.

AYES: Mills, Nelson, Collacott, Fascenelli, Barnett

NOES: None

ABSENT: None

ABSTAIN: None

3. Reconsideration of Ordinance No. 2016-600, adding article 5-15 – Social Host – to the Villa Park Municipal Code.

City Manager Hildenbrand gave the staff report.

Councilwoman Fascenelli inquired who serves on the Law Enforcement Advisory Committee and if they were present tonight. City Manager Hildenbrand replied Mayor Mills and Councilman Collacott serve on the committee as well as Vince Rossini, Rich Murg, John Whitman, Jay Wasserman, Mike Felix, and Eric Reynolds.

Councilwoman Fascenelli would like to have the members of LEAC present to discuss their findings. She said this item was brought forward due to one home that can be seen as a party house but has not been cited for underage drinking. Councilwoman Fascenelli stated there is not an issue with underage drinking in Villa Park and that there are state laws that the sheriff can enforce. She said this ordinance is not necessary since there are already laws in affect. Councilwoman Fascenelli suggested that LEAC focus on there given task, which is helping with crime, and not looking into people's homes for underage drinking.

Councilman Barnett expressed appreciation of LEAC's efforts. He sees this ordinance as a response to one noisy rental property. Councilman Barnett spoke in opposition of adding more legislation to deal with a problem that already has plenty of remedies available.

Mayor Mills opened public comments.

Lori Churney, Villa Park resident, spoke about a party that took place at her neighbor's home recently on Valley Drive. She said the owner is Mr. Torres and that his son had a party when his father was not home. Notifications on social media were made, which increased the amount of students who attended. Ms. Churney said there were indications of alcohol and drug use as well. She stated seven police vehicles showed up to break-up the party. Ms. Churney spoke about trash that was left in the yards of several homes in the neighborhood. She said this was not the first time her neighbor has had a loud party. Ms. Churney spoke in favor of the ordinance saying there is a need for more tools for law enforcement to use in these instances. She indicated the desire to move out of her home due to the nuisance but is not able to currently.

Mark Leathem, Villa Park resident, spoke about the responsibility the City Council has to the entire community and the need to address issues with the level of urgency they deserve. He talked about LEAC and the work they have done on behalf of several residents.

Mayor Pro Tem Barnett stated there are numerous ways to deal with this issue that is much more effective than creating a new ordinance. Based on the past issue on Wellington Circle, he is not sure if this ordinance would add anything to what is already in place. Mayor Pro Tem Barnett said he is not trivializing anything and is sorry the neighbors had to deal with the issue on Wellington for eight months. He stated the City Council has recently considered some options in closed session as well.

Mr. Leathem would like the City Council to look into changing the way the city responds issues like this. He made the suggestion of creating a subcommittee or gathering a group of residents to assist the Sheriff's Department with indicating whether a party that is taking place warrants a citation.

Mayor Pro Tem Barnett replied he does not want to keep passing ordinances and said if this happens in the future, then the city will do what it takes to remedy it, including going to court.

Mr. Leathem asked for an outline of the process to remedy issues such as noise and loud parties. City Attorney Todd Liftin replied the city could look into issuing a criminal citation or filing a criminal complaint immediately. In addition, they can go to civil court, file an injunction or a public nuisance action. The city could also follow along with the administrative citation process. In addition, the City Council can direct staff to be more

proactive regarding issues that may arise. Currently, there are existing laws that allow the city to respond quickly.

Mayor Mills stated the City Council talked about the general concept at closed session. He said a written complaint should be filed to allow a more timely response. Mayor Mills spoke about the importance of giving your name when filing a complaint.

Councilman Collacott replied calls made by residents were not made anonymously. He said the City Council, City Manager and the City Attorney, were all aware of the issue on Wellington Circle. Councilman Collacott stated nothing had been done to effectively remedy this ongoing problem. City Attorney Todd Liftin replied an actual witness is needed when a criminal action citation is issued. He said there are additional options available as well. Mayor Mills replied the city would be using all the options they have available in the future.

City Manager Hildenbrand stated he was informed of the party on Valley Drive this afternoon. He spoke about the importance of being made more aware of issues such as these in order to take action.

Councilwoman Fascenelli stated discussion about the home on Valley Drive should not continue since it is not on the agenda.

Mayor Pro Tem Barnett stated staff is aware that the City Council would like to take a more aggressive approach to enforcement for any issues that may arise. He said if there are problems such as a frat house, the city could possibly go to court to file a restraining order and contempt violations if it is not remedied. This option is more effective and quicker than the ordinance.

Councilwoman Fascenelli spoke about the importance for the residents to have due process.

Dave Moritz, Villa Park resident, spoke about the party on Valley Drive on Saturday night. He expressed concerns about the homeowner Mr. Torres.

Adam Sedehi, Villa Park resident, asked where he would obtain the form to file a complaint. Mayor Mills replied the Sheriff Deputy would provide a form when responding to a complaint. Mr. Sedehi spoke about chronic offenders and the need to implement current laws. He talked about the responsibility the citizens and the City Council have to remedy these issues.

Mayor Mills apologized that the city did not act more aggressively before this issue escalated. He stated the Sheriff's Department has been made aware to go ahead with more assertive measures. Mr. Sedehi stated confusion is a possibility when dealing with many ordinances and laws.

Gloria Martinez, Villa Park resident, expressed concern with the ordinance and the affect it would have on residents who have parties occasionally. She does not want it to be interpreted that neighbors can call on one another just because of noise.

Mayor Mills closed public comments.

A motion was made by Councilwoman Fascenelli and seconded by Mayor Pro Tem Barnett to reject the proposed ordinance.

A substitute motion was made by Councilman Nelson and seconded by Councilman Collacott to approve Ordinance No. 2016-600, adding article 5-15 – Social Host – to the Villa Park Municipal Code.

AYES: Collacott and Nelson

NOES: Barnett, Fascenelli and Mills

ABSENT: None

ABSTAIN: None

The motion fails.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Pro Tem Barnett, and approved by the follow roll call vote to, reject the proposed ordinance.

AYES: Barnett, Fascenelli and Mills

NOES: Collacott and Nelson

ABSENT: None

ABSTAIN: None

Mayor Mills relayed there are many laws and avenues to use to follow up with these issues. He apologized on behalf of the city that this issue had gotten out of hand in due process and that it took too long to remedy.

CONSENT CALENDAR (ITEMS #4-12)

Councilwoman Fascenelli pulled Item 7, Request approval of City Council Minutes of January 26, 2016; and Item 10, Consideration of Ordinance No. 2016-598, Amending Sections 6-9.1-3 of Article 6-9 – Loud Parties – of the Villa Park Municipal Code.

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote, to approve Consent Calendar Items 4-6, 8, 9, 11 & 12.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

4. Warrants and disbursement from February 12, 2016 through March 9, 2016

Action: Approved warrants and disbursements in the amount of \$169,008.62

5. Financial Treasurer's report for the month of February, 2016.

Action: Received and filed.

6. Monthly Financial and Capital Project Status reports.

Action: Received and filed.

8. Request approval of City Council Minutes of February 23, 2016.

Action: Approved

9. Consideration of Resolution No. 2016-3354, Authorizing the Grant Application for the Environmental Cleanup Program under the Measure M2/Orange County Local Transportation for the Catch Basin Debris Screen Installation Project.

Action: Adopted Resolution No. 2016-3354.

11. Consideration of Ordinance No. 201-601, to rescind and repeal Article 23-12 - Required Street Dedications and Improvements – of the Villa Park Municipal Code.

Action: Approved the second reading and adopted Ordinance No. 2016-601.

12. Authorization to Purchase a 2016 RAM 3500 12' Stake Bed Work Truck.

Action: That the City Council:

1. Authorized release of the \$30,000 vehicle replacement designated reserves and surplus sales for vehicle replacement;
2. Declared the 2003 Ford F-350 truck VIN #1FDWF36L63EB87579 as a surplus vehicle;
3. Authorized the City Manager to sign an agreement with Ken Porter Auctions for the disposal of the 2003 Ford F-350; and
4. Authorized the purchase of a 2016 RAM 3500.

PULLED ITEMS

7. Request approval of City Council Minutes of January 26, 2016.

Councilwoman Fascenelli stated her name was misspelled in the minutes requested they be corrected.

A motion was made by Councilwoman Fascenelli, seconded by Mayor Mills, and approved by the following roll call vote, to approve the City Council Minutes of January 26, 2016.

AYES: Barnett, Collacott, Fascenelli, Nelson and Mills

NOES: None

ABSENT: None

ABSTAIN: None

10. Consideration of Ordinance No. 2016-598, Amending Sections 6-9.1-3 of Article 6-9 – Loud Parties – of the Villa Park Municipal Code.

Councilwoman Fascenelli stated the ordinance is written poorly and suggested the City Attorney review it. City Manager Hildenbrand replied this ordinance has been in the city's municipal code since 1996. He is presenting two changes, which include: changing the fine from \$500 to \$1,000 and increasing the notification from 24 hours to 30 days.

Councilwoman Fascenelli stated if a resident violates the municipal code, they would be issued a misdemeanor. City Attorney Todd Liftin replied the highest level of citation is a misdemeanor but that they could also be served with an infraction.

Councilwoman Fascenelli inquired who would be sending the citation if one is issued. City Attorney Todd Liftin replied a citation is technically a violation of the municipal code and is an arrest, site and release. A notice to appear for a certain day at court is given. If the City Attorney is involved and informed, they could be deemed in most cases, as

the prosecutor of the case. The prosecutor would have the discretion to determine if the facts met the elements of the crime and to dismiss the case. It is technically a citation and not a conviction.

Councilwoman Fascenelli stated the ordinance reads that fines would be paid to the City of Villa Park, which would be incorrect.

Councilwoman Fascenelli spoke about the Sheriff's Department involvement and bringing on overtime deputies when responding to incidences. She expressed concern that the deputies who do not work regularly in Villa Park would know the residents enough to decide if a citation is needed to be issued when responding to a complaint. Councilwoman Fascenelli reiterated that if a citation is issued, that residents would need to go to court and pay penalties and fines. She spoke in opposition of the 30-day time frame. Councilwoman Fascenelli inquired why the Sheriff's Department did not enforce the current laws since they have always been available.

Councilman Nelson stated the only changes made to the ordinance is the amount of the fine and timeframe for repeat offenses. He said the other procedures are already in the current ordinance. Councilwoman Fascenelli stated changing the time frame from 24 hours to 30 days is extreme. She does not think having two parties in a 30-day timeframe is excessive, especially if it is during the holiday season.

Mayor Pro Tem Barnett spoke about Councilwoman Fascenelli's concerns. He stated the change of the fine is due to inflation. Mayor Pro Tem Barnett does not see the change to the timeframe to be a problem. Councilwoman Fascenelli stated the ordinance is being change due to one house.

Councilman Collacott said the proposed changes are not due to just one home but that there are other houses in the city where this is becoming an issue. He spoke in support of the ordinance saying the changes are needed to provide more tools for the Sheriff's Department to use.

Mayor Mills opened public comments.

Cari Calvy, Villa Park resident, spoke about the issue of Chapman University expanding its student population and the importance of modernizing the ordinance in reflection of these changes. She talked about the amount of parties taking place at the home on Wellington Circle and the excessive noise and erratic behavior of the students who attend. Ms. Calvy stated the reason students on Wellington Circle are now quiet is due to the neighbors filing a citizens arrest against them. She expressed concern that her daughter is not able to get sleep not only on the weekends, but during the week as well.

Mayor Pro Tem Barnett stated this issue might be remedied after the students move out. Ms. Calvy replied she heard the students are not going to leave when they stated at the last meeting. She said the problem is with the homeowner, who did not evict the

students for violating their rental agreement. Ms. Calvy stated the only people who would want to rent the house in its current condition would be students.

Councilwoman Fascenelli relayed the home on Wellington has been a rental property for years. She said you would not be able to predict who will move in next. She asked what prompted Ms. Calvy to file a citizens arrest. Ms. Calvy replied she did not know until recently that it was an available option. Councilwoman Fascenelli stated both the city and residents have laws that can be used to remedy these issues. Ms. Calvy stated her lawyer has already contacted the homeowner. She said this has been a chronic problem and urged the City Council to modernize the ordinances. Ms. Calvy relayed the students who spoke at the last meeting said the council should consider the ordinance since students are coming to cities that surround the college for housing.

Mr. Martinez, Villa Park resident, expressed concern with being issued a \$1,000 fine if he decides to have a family party. He spoke about neighbors being respectful of each other when it comes to noise issues.

Gloria Martinez, Villa Park resident, reiterated her concerns with neighbors calling on each other due to noise.

Mark Leathem, Villa Park resident, suggested the City Council be more creative to remedy this issue. He inquired why a permit is not needed when hosting a party. He spoke in opposition in adding legislation. Councilwoman Fascenelli stated she brought up the idea to require a permit at the last meeting. Mr. Leathem suggested looking at options related specifically towards renters.

City Attorney Todd Liftin replied discussion regarding permits have been brought forward in the past for consideration. Many cities have a special event or a temporary use permit process for a certain amount of people. The City Council considered this option five or six years ago but decided not to go ahead with it. In regards to the renter issue, with the bundle of property rights, comes with it the ability to rent. He said it is hard to prohibit renting. The City of Orange has looked at the possibility to be more active when houses become a boarding house. This could be categorized as renting the home, room by room. This is often where the problems result. The other issues under the fair housing act limits the city's power over certain areas of limiting certain housing opportunities. This could be looked at if the City Council recommends it. City Attorney Todd Liftin stated the proposed ordinance originated in 1996. This ordinance resulted from certain instances that caused concern and the city was looking for certain measures to assist with it.

Councilwoman Fascenelli stated in the current law, if there is excessive noise, it can be remedied. There are laws currently available to use by both the Sheriff and residents. She stated the Sheriff Department needs to be more assertive when dealing with these issues. Councilwoman Fascenelli suggested if a resident has an issue with excessive noise, to call the police.

Councilman Nelson stated this ordinance would affect homes that have had issues, like the one on Wellington Circle. He spoke in opposition of requiring a special event permits.

Mayor Pro Tem Barnett suggested residents email the City Council, city staff or call them if an issue arises. He stated this would prompt a response.

Adam Sedehi, Villa Park resident, spoke about an experience his brother-in-law had when he had a party a few years ago. He said the Sheriff's Department was called due to a noise complaint and that the party was shut down at 10:00 p.m. He talked about his heritage and how he felt discriminated during this incident. Mr. Sedehi spoke in opposition of the proposed changes to the ordinance.

Riley Calvy, Villa Park resident, expressed concern with continuous parties that take place next to her home. She is a young student and is not able to sleep due to the noise. She also spoke about the party attendees and their inappropriate behavior.

Mayor Mills closed public comments.

A motion was made by Councilman Nelson and seconded by Mayor Mills to approve the ordinance.

A substitute motion was made by Councilwoman Fascenelli to change the time frame from 24 hours to 72 hours for the second offense.

A motion was made by Councilman Nelson, seconded by Mayor Mills, and approved by the following roll call vote to, approve the second reading and adopt Ordinance No. 2016-598.

AYES: Barnett, Collacott, Nelson and Mills

NOES: Fascenelli

ABSENT: None

ABSTAIN: None

MAYOR AND COUNCILMEMBER MATTERS

13. Councilmember Requested Matter (Barnett): Discretionary Expenditure Policy.

Mayor Pro Tem Barnett stated he did not want to make this a major item. He suggested issuing a survey via email with a response time of seven to ten days. Mayor Pro Tem

Barnett said he is looking for feedback from residents. He does not want to hear from just the active members of the community who attend the City Council meetings and workshops. He would like to hear from the general population.

Councilwoman Fascenelli expressed concern that not all residents have provided an email for this database. She said the City Council is elected to make the hard decisions and that sometimes decisions are made quickly. Councilwoman Fascenelli suggested to extend the time frame in which the City Council discusses these items as well as require a four-person majority vote when spending over \$100,000. She spoke about the importance of bringing in more social media attention.

City Manager Hildenbrand said issuing the survey during the timeframe of the budget workshop is a great idea. He stated some projects may not be brought forward during this time and may show up later in the year.

Councilwoman Fascenelli spoke about the pre-established email base and that they do not know who is a part of it. She suggested reaching out via social media to get more resident involvement.

City Manager Hildenbrand replied staff could establish a new section of the email database that consists of just Villa Park residents. Staff can review the list to decipher who the residents are.

Mayor Pro Tem Barnett said he would like to keep this process simple by just sending out an email survey.

Councilman Nelson suggested looking at projects that will come up during the budget process and send out an email survey at that time. City Manager Hildenbrand replied it could be done during the budget process as well as throughout the year.

Councilwoman Fascenelli spoke in opposition of this item.

Councilman Collacott agreed with reaching out to the community more. He suggested looking at additional ways to reach the community such as *The Sentry*. Mayor Mills suggested looking at Villa Park Magazine as well as *The Sentry* to advertise this to the community.

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

Discussions of these items were done at the Presentation/Announcement/Introductions section of the meeting.

ADJOURNMENT

The City Council adjourned at 9:10 p.m. The next regular meeting will be held on Tuesday, April 26, 2016 at 6:30 p.m.



Greg Mills, 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.