

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, April 23, 2002, at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER: Mayor MacAloney called the meeting to order.

ROLL CALL:

COUNCILMEMBERS PRESENT:

Bill MacAloney	Mayor
Bob Bell	Mayor Pro Tem
Rich Freschi	Councilmember
Robert McGowan	Councilmember
Russell Patterson	Councilmember

COUNCILMEMBERS ABSENT:

None

STAFF PRESENT:

George Rodericks	City Manager
Kathy Adrian	City Clerk/Administrative Assistant
Leonard Hampel	City Attorney
Warren Repke	City Engineer

FLAG SALUTE:

Ryan Carroll, a 4th grade student at Villa Park Elementary School led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Mayor Pro Tem Bell presented outgoing Orange County Fire Authority Division Chief Matt Vadala with a plaque in recognition of his valuable contributions and hours of dedicated service to the City of Villa Park and its residents while serving as Division Chief.

Chief Vadala also accepted a Proclamation from the City of Villa Park designating Saturday, May 11, 2002 as Fire Service Recognition Day.

Presentation by Adelphia Cable Television.

Jeff Mielo, General Manager, Adelphia Communications, gave a brief overview of Adelphia's achievements in the City of Villa Park.

ORAL COMMUNICATIONS:

Jim Warden, Sycamore Street, addressed Council regarding last month's public hearing on a proposed cell tower site at Sycamore Street and Taft Avenue. He presented a petition from 133 neighboring residents opposing any type of cellular facility at that location.

Mr. Linsmire, Wildwood Way, expressed his opposition to the cell site.

Linda Horist, parent coach for "Destination Imagination", addressed Council asking for their support with a group of students from Cerro Villa Middle School who will be attending the "Destination Imagination Global Finals" at the University of Tennessee in May, 2002.

Eric Kuli, Chairman of the City of Villa Park Annual Picnic at Irvine Lake, presented an update on this year's picnic which will be held on Sunday, May 26, 2002 from 12 Noon to 5:30 PM. Tickets are \$3.00 and children 5 and under are free. Tickets are available at Ralphs Grocery, the City Hall and will be sold at the Villa Park Women's League Home and Garden Tour on May 5th.

For further information, please contact Eric Kuli at (714) 921-1505.

If you are interested in participating in the car show at the picnic, please contact Teri Elmendorf at (714) 997-9288 for more information.

Jim Haston, Huntington Circle, addressed Council regarding the increased coyote sightings this time of year. He encouraged everyone to keep their small pets indoors as much as possible.

CONSENT AGENDA:

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to approve Consent Agenda Items 1 through 10, with the deletion of Items 2, 3, 5 and 7:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council waive reading in full of all ordinances on the Agenda.
2. Deleted.
3. Deleted.
4. Consideration of Claim Against the City of Villa Park. Claimant: Lori Anderson. Approved Action: That the City Council reject subject claim and direct the City Clerk to give proper notice of the rejection.
5. Deleted.
6. Consideration of Approval of Final Parcel Map No. 2001-155 – Jim Martin. Approved Action: That the City Council approve Final Parcel Map No. 2001-155 – Jim Martin.

7. Deleted.
8. Consideration of Quarterly Reports for Period Ending March 31, 2002. Approved Action: Receive and file.
9. Consideration of List of Demands for March 31, 2002. Approved Action: That the City Council approve the List of Demands for March 31, 2002, numbered 1 through 47 in the amount of \$65,931.04.
10. Consideration of List of Demands for April 23, 2002. Approved Action: That the City Council approve the List of Demands for April 23, 2002, numbered 1 through 36 in the amount of \$122,611.29.

Item 2:

Consideration of City Council Minutes of March 19, 2002.

Mayor Pro Tem Bell indicated he would abstain from voting on the March 19th City Council Minutes as he did not attend the meeting.

It was moved by Councilmember McGowan, seconded by Councilmember Patterson, and carried by the following roll call vote to approve the Minutes of March 19, 2002:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Bell

Item 3:

Consideration of City Council Minutes of April 5, 2002.

Councilmember McGowan indicated he would abstain from voting on the April 5th City Council Minutes as he did not attend the meeting.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bell, and carried by the following roll call vote to approve the Minutes of April 5, 2002:

AYES:	COUNCILMEMBERS:	Patterson, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	McGowan

Item 5:

Consideration of Release of Monumentation Bond for Tract 15679 – Oakhill Development.

It was moved by Councilmember Freschi, seconded by Councilmember Patterson, and carried by the following roll call vote to withdraw this item until further information is obtained:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Item 7:

Consideration of Approval of Final Parcel Map No. 98-132 – Brian Tran.

It was moved by Councilmember Freschi, seconded by Councilmember Patterson, and carried by the following roll call vote to withdraw this item until further information is obtained:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember McGowan – Aviation Advisory Committee:

Consideration of Payment of Additional Dues to the Orange County Regional Airport Authority (OCRAA).

Councilmember McGowan recommended that the remaining voluntary contribution of \$6,000 be paid to the Orange County Regional Airport Authority.

Following discussion, it was moved by Mayor Pro Tem Bell, seconded by Councilmember Patterson, and carried by the following roll call vote to continue consideration of payment of additional dues to OCRAA to the May 28, 2002 City Council Meeting:

AYES:	COUNCILMEMBERS:	Patterson, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	McGowan
ABSENT:	COUNCILMEMBERS:	None

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Orange County Fire Authority – Councilmember Patterson.

Councilmember Patterson and Mayor Pro Tem Bell discussed the Orange County Fire Authority's decision to restructure the volunteer firefighter program.

Orange County Sanitation District – Councilmember Patterson.

Councilmember Patterson presented an update on proposed Assembly Bill 1969 which would mandate that the Orange County Sanitation District up their treatment of sewage.

Groundwater Replenishment System – Councilmember Patterson.

Councilmember Patterson discussed the groundwater replenishment system.

Orange County Water District Bond Pit Project – Councilmember Patterson.

Councilmember Patterson discussed the District's bond pit project.

City Liaison Committee – Mayor Pro Tem Bell.

Mayor Pro Tem Bell discussed the meeting he attended with the Orange Unified School District regarding traffic problems around the Villa Park schools.

ITEMS FOR CONSIDERATION:

Consideration of Reimbursement for Council Travel.

City Manager Rodericks reported that during the month of April 2002, Councilmember McGowan attended several meetings in Washington D.C. in support of the proposed "Reasonable Airport, Park and Nature Preserve Initiative". This travel was not directed by the City Council and was not approved in advance. However, Councilmember McGowan has requested that the City Council consider reimbursement of a portion of the travel expenses.

Following discussion, Councilmember McGowan withdrew his request of reimbursement for Council travel.

Public Education Government (PEG) Programming Funding Support – City Manager Rodericks.

City Manager Rodericks stated that the City of Villa Park and Adelphia Communications entered into a Memorandum of Understanding (MOU) in October 1999. Pursuant to the MOU, Adelphia shall provide a Public Education Government (PEG) payment equal to 1% of gross revenues per subscriber per month. This payment is in addition to the 5% franchise fee the City receives quarterly.

Currently, the City budgets 50% of the franchise payments from Adelphia to the Villa Park Community Access Television Corporation (VPCATV). The disposition of the additional PEG payments are subject to City Council direction. These funds may be used for capital and non-capital purposes in support of public education and government programming.

Following discussion, it was moved by Councilmember Freschi, seconded by Councilmember Patterson, and carried by the following roll call vote to direct any PEG payments received under the Villa Park Cable Television Memorandum of Understanding to Villa Park Community Access Television Corporation upon receipt, providing the following conditions have been met:

- ◆ Meet on a quarterly basis with the Public Utilities Committee to communicate issues of programming, goal setting, long-term planning and budget.
- ◆ Meet annually with the City Council at a study session to review an annual plan.
- ◆ Prepare semi-annual reports to the City Council.
- ◆ Prepare and submit monthly performance and budgeting reports to the City.
- ◆ Communicate scheduling and programming issues to the City in a timely manner.

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

PUBLIC HEARINGS:

Consideration of Conditional Use and Variance Application No. 0474 to Permit Tennis Court Lighting Fixtures and an Addition To Their Single-Family Residence – 18511 Durfee Circle; David and Dana Kracke.

Councilmember Patterson stated that he will not participate in consideration of this item due to a possible conflict of interest. He excused himself from the meeting.

City Manager Rodericks reported that the applicants are requesting permission to install tennis court lighting fixtures that will encroach into the rear yard setback by 5 feet, and an addition that will encroach into the easterly side yard building setback by 2 feet, 3 inches.

Mayor MacAloney opened the public hearing.

Mr. Kracke, applicant, addressed Council in support of his request.

With no further testimony forthcoming, Mayor MacAloney closed the public hearing.

Following discussion, it was moved by Mayor Pro Tem Bell, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt Resolution No. 2002-2592 Approving the Conditional Use for lighting on the south side of the tennis court only and approving the Variance request - Permit No. 0474, With Conditions – 18511 Durfee Circle, David and Dana Kracke.

AYES:	COUNCILMEMBERS:	McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Patterson

Following further discussion, a motion was made by Councilmember Freschi and seconded by Mayor Pro Tem Bell to reconsider the previous motion. Motion was carried by the following roll call vote:

AYES:	COUNCILMEMBERS:	McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Patterson

It was moved by Mayor Pro Tem Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to approve Variance Permit No. 0474, With Conditions, and approve the Conditional Use Permit as follows:

- ◆ Light poles and lighting on the south side of the tennis court are approved as requested;
- ◆ Light poles on the north side of the tennis court are approved but any lighting attached must be a minimum of 10 feet from the property line.

AYES:	COUNCILMEMBERS:	McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Patterson

Consideration of Variance Application No. 0479 to Permit Installation of Mesh Screening on Top of an Existing Block Wall and an Existing Sports Theme Wall to Remain – 18152 Lincoln Street; Russell and Nancy Reidsema.

City Manager Rodericks stated that the applicants are requesting permission to install seven feet of mesh screening on top of an existing five-foot high block wall.

The applicants are also requesting a variance to allow an existing 12-foot high sports theme wall at the rear of their property to remain.

Mayor MacAloney opened the public hearing.

Mr. Reidsma, applicant, addressed Council in support of his request.

With no further testimony forthcoming, Mayor MacAloney closed the public hearing.

Following extensive discussion, it was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bell, and carried by the following roll call vote to adopt Resolution No. 2002-2593 Approving Variance Application No. 0479 – 18151 Lincoln Street; Russell and Nancy Reidsema, as follows:

- ◆ Mesh fencing atop the existing 5-foot block wall from the existing theme wall east to the pool equipment up to a maximum of 10 feet is approved;
- ◆ The sports theme wall is approved at a maximum of 10 feet.

AYES:	COUNCILMEMBERS:	Patterson, Freschi, Bell
NOES:	COUNCILMEMBERS:	McGowan, MacAloney
ABSENT:	COUNCILMEMBERS:	None

Consideration of Ordinance No. 2002-481 Amending Provisions of Section 9.2-16 of Chapter IX of the Villa Park Municipal Code Relating to Roof Construction and Covering.

City Manager Rodericks stated that this Ordinance enacts a building code standard to require re-roof of the entire structure to Class “A” if more than 40% of the entire roof area is re-roofed during any one-year period.

Mayor MacAloney opened the public hearing.

With no public testimony forthcoming, Mayor MacAloney closed the public hearing.

Following discussion, it was moved by Mayor Pro Tem Bell, seconded by Councilmember Patterson, and carried by the following roll call vote to approve First Reading of Ordinance No. 2002-481 Amending Provisions of Section 9.2-16 of Chapter IX of the Villa Park Municipal Code Relating to Roof Construction and Covering:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Bell, MacAloney
NOES:	COUNCILMEMBERS:	Freschi
ABSENT:	COUNCILMEMBERS:	None

Consideration of Ordinance No. 2002-482 Amending Provisions of Article 23 of Chapter XXIII of the Villa Park Municipal Code Relating to Property Development Standards.

City Manager Rodericks stated that this Ordinance amends provisions of the Villa Park Zoning Code which will enhance the City plan review process and clarify several issues with regard to height measurement, setbacks, carports and minor accessory equipment.

Mayor MacAloney opened the public hearing.

With no public testimony forthcoming, Mayor MacAloney closed the public hearing.

Following discussion, it was moved by Councilmember Patterson, seconded by Councilmember Freschi, and carried by the following roll call vote to approve First Reading of Ordinance No. 2002-482 Amending Provisions of Article 23 of Chapter XXIII of the Villa Park Municipal Code Relating to Property Development Standards:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Consideration of Approval of the Statement of Investment Policy and Finance Policy and Procedures Manual.

City Manager Rodericks reported that at the January 22, 2002 City Council Meeting, the City Council directed staff to make several revisions to the Statement of Investment Policy and Finance Policy and Procedures Manual. These changes included a revision to the number of members on the Investment Advisory Committee; elimination of term reconfirmations; and a change in the City's banking institution.

Mayor MacAloney opened the public hearing.

Robert Fauteux, Briley Way, and Chairman of the Investment Advisory Committee, stated that the next quarterly meeting of the Investment Advisory Committee will be held on April 24, 2002 at 9:00 a.m. This meeting is open to the public.

With no further testimony forthcoming, Mayor MacAloney closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt the Statement of Investment Policy and receive and file the Finance Policy and Procedures Manual:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

STAFF REPORTS:

City Manager:

Consideration of Fourth Amendment to Law Enforcement Services for Fiscal Year 2001-2002.

City Manager Rodericks reported that in FY2000-01, the City received \$100,000 in Supplemental Law Enforcement Services Funds. These funds must be spent by June 30, 2002 on an expansion of law enforcement services beyond the City's current deployment.

Staff has negotiated an agreement with the Orange County Sheriff's Department for the sharing of one deputy designated as a motorcycle officer for 20 hours per week. The officer would focus on parking enforcement, school traffic, speeding in residential areas and traffic on throughways such as Villa Park Road, Taft Avenue and Center Drive. Revenues produced by the motorcycle officer will help offset the annual cost.

Orange County Sheriff's Deputy Steve Taylor discussed the importance of additional enforcement around the school sites for traffic control and enforcement for speeding along Villa Park Road.

It was moved by Mayor Pro Tem Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the Fourth Amendment to Agreement between the City of Villa Park and the County of Orange and authorize the Mayor to execute the Agreement on behalf of the City:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Landscape Maintenance Services Agreement.

City Manager Rodericks stated that for the past several months, the City's landscape maintenance contractor has failed to perform to the minimum standards addressed in their proposal accepted by the City of Villa Park in August 2001. The City issued a Termination of Service notice to Park Landscape Maintenance terminating service effective April 30, 2002.

After reviewing a competing proposal from Tropical Plaza Nursery, Staff has found it to be compliant with the City's needs for landscape maintenance services.

It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bell, and carried by the following roll call vote to accept the proposal for Landscape Maintenance Services from Tropical Plaza Nursery; approve the Landscape Maintenance Services Agreement; and authorize the City Manager to execute the Agreement on behalf of the City:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Consideration of April/May City Newsletter.

City Manager Rodericks reported that due to changes and upgrades from the previous edition, Staff has transitioned the single-page 8.5" x 11" newsletter into a 4-page folded newsletter using 11" x 17" paper. This will result in an increase of \$765, due to the larger size.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to authorize the production of the April/May edition of the City newsletter edition:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

City Attorney:

Consideration of Resolution No. 2002-2591 Adopting General Plan Amendment (GPA 2002-1) for the City of Villa Park.

City Attorney Hampel stated that the City Council of the City of Villa Park adopted the Housing Element in accordance with State law on June 26, 2001. He has provided a resolution for Council consideration approving adoption.

It was moved by Councilmember Patterson, seconded by Mayor Pro Tem Bell, and carried by the following roll call vote to adopt Resolution No. 2002-2591 Adopting General Plan Amendment (GPA 2002-1) for the City of Villa Park:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

City Clerk: No report.

City Engineer:

Consideration of Wanda Road Rehabilitation Project Cooperative Agreement with the City of Orange.

City Engineer Repke reported that in February 2000 the City of Orange submitted Wanda Road, from Villa Park Road to Santiago Boulevard, for Federal funding consideration under the Orange County Transportation Authority Arterial Highway Rehabilitation Program. The City of Villa Park agreed to participate in the project for that portion of the roadway within the City. The project consists of reconstruction of failed areas of pavement followed by an asphalt concrete overlay. Damaged sidewalk, curb and gutter will also be replaced.

It is anticipated that construction will begin in late summer.

It was moved by Mayor Pro Tem Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the Cooperative Agreement with the City of Orange for the improvement of Wanda Road, from Villa Park Road to Santiago Boulevard, and authorize the Mayor to execute the Agreement; and adopt Resolution No. 2002-2594 designating those portions of Wanda Road within the project area as a City of Orange roadway for the purpose of constructing the improvements:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

OTHER BUSINESS: None.

ORAL COMMUNICATIONS:

Teri Elmendorf, Camden Circle, discussed the Orange County Fire Authority' s decision to restructure the volunteer firefighter program.

ORDINANCES: None.

RESOLUTIONS:

Consideration of Resolution No. 2002-2590 Authorizing the City's Continued Participation in the Orange County Service Authority for Abandoned Vehicles.

City Manager Rodericks stated that since its inception in 1991, the Orange County Service Authority for Abandoned Vehicles (SAAV) has provided approximately \$17.5 million to Orange County cities and the County of Orange, and has resulted in the removal of more than 240,000 inoperative or abandoned vehicles from public and private property in Orange County.

SB106 authorizes the extension of the one-dollar (\$1) DMV vehicle registration surcharge for this program in 10-year increments given the resolutions in support from a majority of the cities within the County having a majority of the incorporated population, and by a two-thirds vote of the County Board of Supervisors.

Continuance in the SAAV allows the City to receive its proportional share of the California vehicle registration fee for the purpose of abating and removing abandoned vehicles.

It was moved by Councilmember Freschi, seconded by Councilmember Patterson, and carried by the following roll call vote to adopt Resolution No. 2002-2590 Authorizing the City's Continued Participation in the Orange County Service Authority for Abandoned Vehicles:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

CLOSED SESSION: None.

ADJOURNMENT:

It was moved by Councilmember Freschi and carried unanimously to adjourn the meeting at 10:50 PM.

W. Bill MacAloney, Mayor
City of Villa Park

ATTEST:

Kathy Adrian, City Clerk
City of Villa Park