

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, July 22, 2003 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

Bob Bell	Mayor
Patricia Bortle	Mayor Pro Tem
Rich Freschi	Councilmember
Robert McGowan	Councilmember
Bill MacAloney	Councilmember

STAFF PRESENT:

George Rodericks	City Manager
Cristina Sundstrom	Administrative Secretary/Deputy City Clerk
Leonard Hampel	City Attorney
Warren Repke	City Engineer

FLAG SALUTE:

Resident, Harry Elmendorf, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Mayor Pro Tem Bortle announced that if the public has difficulty hearing the broadcast or to report any technical difficulties, they may do so by telephoning 998-4880 (VPCATV).

Mayor Bell introduced Orange County Police Chief Lt. Chris Visconti and Orange County Fire Authority Chief Rich Witesman.

ORAL COMMUNICATIONS:

Erik Kuli spoke on behalf of the Villa Park Community Services Foundation, Inc. He presented a check in the amount of \$1,000 to the organization, Celebration U.S.A. Representing Celebration U.S.A. was Barbara Steensland of 18292 Fernando Circle. Mrs. Steensland announced that the money will help fund the "Catch the Spirit Singers".

Mayor Pro Tem Bortle pointed out that money can be passed through the Foundation and donated back to other organizations that benefit the Villa Park community, such as the Villa Park Elementary School Restoration Corporation.

The board meets the third Monday of each month at noon in the City Council Chambers. Board President Kuli encouraged all interested residents to join all board members at their monthly meetings.

CONSENT AGENDA:

It was moved by Councilmember MacAloney, seconded by Councilmember McGowan, and carried by the following roll call vote to approve Consent Agenda Item 1 and Items 3 through 8:

AYES:	COUNCILMEMBERS:	MacAloney, McGowan, Freschi, Bortle, Bell
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 the reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of June 24, 2003. Approved Action: That the City Council pull this item.
3. Consideration of List of Demands for June 30, 2003. Approved Action: That the City Council approve the List of Demands for June 30, 2003, numbered 1 through 24 in the amount of \$55,808.39.
4. Consideration of List of Demands for July 22, 2003. Approved Action: That the City Council approve the List of Demands for July 22, 2003, numbered 1 through 28 in the amount of \$167,119.96.
5. Consideration of Waiver of Monthly Fees for Lease Agreement GA 621-2 for the Villa Park Branch Library. Approved Action: That the City Council authorize staff to waive the monthly payments for "Rent, Janitorial, Utility, Maintenance, and Repair" under Section 4 of the Lease Agreement GA 621-2 for the Villa Park Branch Library.
6. Declaration of Surplus Chevrolet 3500 Heavy Duty Truck. Approved Action: That the City Council declare the Chevrolet 3500 truck as surplus, direct the City Manager to arrange for its disposal, and authorize the City Manager to investigate the negotiated sale of the vehicle to Serrano Water District finding that it is in the public interest to do so.
7. Consideration Agreement for Trauma Intervention Programs, Inc. Approved Action: That the City Council approve the Agreement between the City of Villa Park and Trauma Intervention Programs, Inc. and authorize the Mayor to execute the Agreement on behalf of the City.
8. Consideration of Resolution No. 2003-2701, Continued Investment in the Local Agency Investment Fund. Approved Action: That the City Council adopt Resolution No. 2003-2701, a Resolution of the City Council of the City

of Villa Park authorizing investment monies in the Local Agency Investment Fund.

It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve Consent Agenda Item 2, the June 24, 2003 Minutes of the City Council Meeting:

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

MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember Freschi reported that Staff Reports are available on the City website, www.villapark.org. He announced that the City Manager may arrange for residents to receive an e-newsletter to keep abreast of city finances, etc.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Councilmember Freschi mentioned that Councilmember MacAloney has announced his candidacy for the 60th Assembly District in March 2004.

ITEMS FOR CONSIDERATION:

1. Villa Isle Area Storm Drain Along Canyon Drive Authorization For Capital Project.

City Manager Rodericks presented a report on the Villa Isle Storm Drain Project.

The Capital Projects Committee has reviewed this project and recommends that the City conduct a cooperative project with the property owners and that the contribution from the landowners be represented as a percentage of the total final project cost rather than a flat figure at the start of the project – 60/40.

Public testimony was given by two property owners on Villa Isle Drive. Mr. Nicolaas Versteeg, 9496 Villa Isle Drive, expressed his concern for the quality of the water and said his neighbor, Mr. Ota, has had some pet dogs come down with cancer and that it could be due to the quality of the water. Next, Mrs. Katherine McGuire, 9492 Villa Isle Drive, explained to Council that she does not wish to join in the shared expense of the project.

Councilmember McGowan asked the City Attorney about the possibility of approaching the project from the standpoint of a health and safety issue and thus as an assessment district. The City Attorney discussed some alternatives.

City Manager Rodericks said he recommends Alternative #2, the 60%/40% split. He said the project would be looked at as a total project. The property owner who does not share the cost does not get back 3,000 square feet of easement.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to authorize the addition of the project to the Capital

Projects Budget, authorize staff to transfer the appropriate amount of funds from the Unrestricted General Fund Reserve to the Capital Projects Budget, and to authorize staff to work with the property owners to complete the project based on a contribution of 60 percent of the total project cost from the adjacent property owners:

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

2. Landscape Plan Review – 18961 Valley Drive.

In August 2000, the City Council adopted Resolution No. 2000-2519 approving construction of a new single-family residence at 18961 Valley Drive, with the addition to the Resolution of the following condition: “A landscaping plan shall be submitted and approved by the City Council prior to the issuance of the Certificate of Use and Occupancy”.

Public testimony was given by Robert Maniaci, 18981 and 19001 Valley Drive, regarding some drawings and photographs of the property that he prepared.

Councilmember McGowan discussed the Skeffington property landscape plan in detail with Mr. Maniaci.

Frosted windows were not required but were incorporated by the Skeffingtons as a courtesy to neighbors.

Councilmember Freschi expressed his concern that the original landscape plan was not followed and that the original condition of approval was based on the Skeffingtons following the original landscape plan.

City Attorney Hampel explained that the decision is ultimately up to the Council, not just the Community Development Committee, which consists of only Councilmember McGowan and Mayor Pro Tem Bortle.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to authorize the Community Development Committee to review the plan for consistency with as built, that the applicant submit a fully revised plan for review and approval by the Community Development Committee in consultation with the neighbor to the east (Robert Maniaci):

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

3. Landscape Plan Review – 19092 Mesa Drive.

In September 2000 the Council adopted Resolution No. 2000-2521 approving construction of a new single-family residence at 19092 Mesa Drive with the addition of the following condition to the Resolution: “A landscape plan shall be approved by the City Council at a public hearing prior to issuance of a Certificate of Use and Occupancy”.

City Manager Rodericks reported that the project is almost complete, but still does not have its permanent Certificate of Occupancy, therefore, the property owner is operating under a temporary Certificate of Use and Occupancy.

Staff recommended that the City Council review the plan, and, if appropriate, approve the plan with any additions, deletions, or modifications.

Public testimony was given by the Meisner's neighbors, Steve and Kimberly Roush, 19085 Ridgeview Road. She said she was under the impression from reading the September 26, 2000 Minutes of the City Council that this item would be treated as a public hearing. She said she would be satisfied with several strategically placed trees planted on the property. She suggested adding tall hedges along the putting green area. She said that the privacy issue is key to her because she feels the landscaping plan does not address the view of her bedroom. She also spoke of her concern about insufficient drainage on her property. She expressed her hope that the Council would consider this drainage situation.

City Manager Rodericks said all of Ms. Roush's concerns regarding drainage would be addressed prior to issuance of a Permanent Certificate of Use and Occupancy. Mr. Rodericks suggested requiring a second row of screening upslope as a condition to receive permanent Certificate of Use and Occupancy.

Mayor Bell said that he was unclear as to why Ms. Roush was displeased with the landscape plan. He made the observation that her house and Mr. Meisner's house are more than 100 feet apart and as such sufficiently located as to not have any privacy issues.

Mayor Pro Tem Bortle explained to Ms. Roush that she had a conversation with the Meisners about the privacy issue and they assured her that they could not see into the Roush's bedroom, neither during the day nor at night.

Councilmember MacAloney expressed his concern that occupancy was given before the landscape plan was approved. He also was concerned about the grading plan and drainage problems. He would like to see this addressed in the future so that similar situations do not recur.

Mayor Pro Tem Bortle discussed placement and size of trees with Ms. Roush.

City Attorney Hampel suggested one option would be for the Council to refer this matter to the Community Development Committee to bring back to the Council with a finalized plan to the August 26, 2003 City Council Meeting. He explained to Mr. Roush that the public hearing referred to in the Conditional Use Permit granted in September 2000 was intended as a public meeting. The Council can notice the item as a Public Hearing for the August 26, 2003 Council Meeting.

City Attorney Hampel explained to Mayor Bell that the City has discontinued the practice of bringing landscape plans before the Council and allowed the Community Development Committee and the City Manager the authority to review and approve such plans.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember MacAloney, and carried by the following roll call vote to adopt Resolution No. 2003-2521 authorizing the Community Development Committee to review the landscape plan with neighboring

property owner and applicant and to conduct a public hearing on August 26, 2003 regarding approval of the plan:

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

PUBLIC HEARINGS:

1. Continued Consideration of Conditional Use Permit and Variance Application No. 0544 – (Location: 18552 Alice Lane; Applicant: Christopher J. Felix) for Construction of the Following:
 - An addition creating four (4) garage stalls;
 - An increase in the floor area coverage allowed; and
 - A Variance from the rear yard setback area.

Mayor Bell opened the Public Hearing.

City Attorney Hampel disclosed that before the meeting he spoke to Mr. Felix and he revealed that a member of Rutan and Tucker's probate department is preparing a family trust. He asked to recuse himself to avoid any appearance of a conflict of interest, even though he had no financial interest in this matter.

City Manager Rodericks reported that the applicant is requesting a conditional use permit to allow the construction of an additional garage, which will create 4 or more garage stalls on the property and to increase the 32% maximum floor area to the allowed 33.64%. The applicant is also requesting a Variance from the 25-foot rear yard setback requirement to 10 feet for the proposed addition.

The proposed garage addition would contain 330 square feet. The total number of garage spaces on the property will increase to four; and therefore requires a Conditional Use Permit. The additions comply with the lot coverage and height requirements.

Staff does not recommend approval of this application. City Manager Rodericks noted that three letters of support have been received by Mr. Felix's neighbors.

Public testimony was given by Mr. Chris Felix, 18552 Alice Lane. He pointed out that his garages now face Lemon Street.

Mr. Felix has hired the original architect to design his garage plans. The only neighbor who will be able to see the new garage is a neighbor (in support) located to the south. He indicated that the City should have received five letters of support, not three.

Mayor Bell stated that if this application is approved it would be appropriate to require a landscape plan from Mr. Felix.

Mayor Pro Tem Bortle stated she had no objection to this project. She did not wish to deny him access to his garages.

Councilmember McGowan said he is opposed to granting special privileges for setbacks.

Councilmember Freschi expressed his support of the project because the garage will barely be visible from Lemon Street.

Mayor Bell closed the Public Hearing.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2693 to approve Conditional Use Permit and Variance Application No. 0544, with conditions – (Location: 18552 Alice Lane; Applicant: Christopher J. Felix) for Construction of the Following:

- An addition creating four (4) garage stalls;
- An increase in the floor area coverage allowed; and
- A Variance from the rear yard setback area.

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

2. Consideration of Resolution No. 2003-2702 Setting Forth Weed Abatement Charges to be Assessed to Properties Listed Herein – Weed Abatement – Spring 2003.

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that Article 6-2 of the Villa Park Municipal Code sets forth the standards for Abatement of Weeds, Rubbish, Refuse and Waste in the City of Villa Park. Notices were sent to affected property owners in April of this year. The Article provides that unless removal of weeds is conducted within a specified time period, the City may conduct such removal and assess the cost of the removal as a lien against the property if said costs are not remitted by the property owner.

The City conducted annual weed abatement projects in accordance with this Article. The affected properties are shown on Exhibit "A" as part of the Resolution. With the exception of Assessor's Parcel No. 378-071-33, 18422 Santiago Boulevard, each property owner remitted payment to the City for conducting any required abatement. Weed abatement on Assessor's Parcel No. 378-071-33 was conducted after the property was cleared once and re-growth occurred. Notice provided to the property owner specifies that re-growth of vegetation may necessitate additional clearing and property not maintained in a fire-safe condition may be cleared by the City without further notice. The City conducted such clearing in accordance with the weed abatement standards and invoiced the property owner.

The property owner has submitted an appeal to the charges of \$536.00.

Councilmember MacAloney asked City Manager Rodericks some questions about the general response of residents to take care of their weeds.

Mayor Bell closed the Public Hearing.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt Resolution No. 2003-2702, Resolution of

the City Council of the City of Villa Park setting forth weed abatement charges to be assessed to properties listed herein – Weed Abatement – Spring 2003:

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

Mayor Bell called for a five-minute recess at 9:40 PM.

The Council Meeting reconvened at 9:45 PM.

3. Consideration of Variance Application No. 0546 – (Location: 18561 Durfee Lane; Applicants: Gary and Berenice Masciel) for Construction of an Addition to An Existing Residence That Will Encroach Into the Required 13 Foot Side Setback by 3 Feet.

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting permission to construct an addition to an existing residence that will encroach into the required 13 foot side setback by 3 feet.

The subject property is located at 18561 Durfee Lane and is in the E4 Small Estate zoning district. The lot area is approximately 21,000 square feet and surrounding uses are residential.

The applicant is requesting permission to construct a bathroom addition to the property that will encroach into the required side yard of 13 feet by 3 feet, thereby reducing the setback to 10 feet. This represents a reduction in the side yard setback of 23 percent.

The layout of the property is such that the side lot lines are not perpendicular to the front and rear lot lines creating an angled parcel.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with lot coverage, floor area, and height requirements. However, the project reduces the required side yard setback and therefore does not meet the Code requirements in this area. This reduction is less than 25 percent and under the City's Zoning Code may be considered as an Adjustment. An Adjustment is a minor modification of the requirements of the Zoning Code where such requests constitute a reasonable use of the property not permissible under a strict literal interpretation of the regulations. Minor adjustments are subject to all the same findings of fact necessary for granting a Variance.

Staff recommended approval of this application, with conditions.

Public testimony was given by the applicant, Mr. Gary Masciel.

Councilmember MacAloney questioned the applicant about the wall on the east side of a planter box.

Mayor Bell closed the Public Hearing.

It was moved by Councilmember MacAloney, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt Resolution No. 2003-2699 approving Variance Application No. 0546 for Construction of an addition to an existing residence that will encroach into the required 13 foot side setback by 3 feet, with conditions- (Location: 18561 Durfee Lane; Applicants: Gary and Berenice Masciel):

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

4. Consideration of Conditional Use Permit No. 0547 – (Location: 18632 Valley Drive; Applicants: Tim and Marie Crosson) for Construction of a Freestanding Fireplace:

Mayor Bell opened the Public Hearing.

City Manger Rodericks reported that the applicants are requesting permission to construct a freestanding fireplace over seven feet in height on their property located at 18632 Valley Drive. A Conditional Use Permit is required for all accessory structures exceeding seven (7) feet in height. A freestanding fireplace is considered an accessory structure.

The subject property is in the E4 Small Estate zoning district. The lot area is approximately 54,400 square feet and surrounding uses are residential.

The applicants are proposing a freestanding fireplace in the rear yard with a height of ten (10) feet. Structures over seven (7) feet in height require a Conditional Use Permit and must abide by the ten (10) foot setback requirement.

Based on review of the project application, the proposed property meets the objectives of the Villa Park Zoning Code and complies with lot coverage, floor area, setback, and height requirements.

Staff recommends approval of this application, with conditions.

Public testimony was given by applicant, Marie Crosson.

Mayor Bell closed the Public Hearing.

It was moved by Councilmember MacAloney, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve Resolution No. 2003-2700 Approving Conditional Use Permit No. 0547- (Location: 18632 Valley Drive; Applicants: Tim and Marie Crosson) for Construction of a Freestanding Fireplace, with conditions:

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

5. Consideration of Conditional Use Permit No. 0548 for Construction of a Pool House/Second Dwelling Unit – (Location: 10571 Wulff Drive; Applicant: P.J.

Jahangiri).

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a detached pool house on the property that would also serve as a second dwelling unit.

The subject property is located at 10571 Wulff Drive and is in the E4 Small Estate zoning district. The lot area is approximately 20,000 square feet and surrounding uses are residential.

The applicant is requesting permission to construct a 600 square foot detached pool house in the southwest corner of the property. The pool house would have a bathroom and independent kitchen facilities. As constructed the house could also serve as a second dwelling unit. As a result, the applicant is requesting approval for this potential use.

Based on review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with lot coverage, floor area, setback, and height requirements.

Staff recommends approval of this application, with conditions.

Public testimony was given by the applicant, P.J. Jahangiri.

Councilmember MacAloney requested information from the applicant about sewer and privacy concerns. The applicant responded that he might add an underground pump to help with the flow of gravity to address the sewer issue. His second question related to privacy to his neighbors by screening in the rear of his property. Councilmember MacAloney indicated that he would like privacy screening to be one of the conditions of approval.

Councilmember McGowan suggested to the applicant areas where screening should be addressed to mitigate the impact of the structure.

The applicant responded that he would plant some trees that will reach maturity within two years maximum and that he would make every effort to save two fruit trees.

Public testimony was given by neighbor Daryl Cole, 18271 Lincoln Circle. He was concerned about the proposed height of the pool house and noise from the heat pump.

The applicant said he would eliminate the heat pump but would need to put in an air conditioner in a place that is isolated from the neighbor's residence.

Councilmember McGowan made additions to the conditions, adding condition #10 to read as follows: "A landscape plan to address the concern along the thirty (30) foot southwest property line from adjacent neighbor on Lincoln Circle shall be submitted. The plan shall be reviewed and approved by the Community Development Committee prior to issuance of the final building permit". Condition #11 was added to read as follows: "The heat pump shall be eliminated; Applicant shall place an alternative along the east or south side of the building".

City Attorney Hampel addressed the Council about the change in State law effective July 1, 2003 concerning granny flats. It will be a matter of ministerial permit from the city staff. The City currently has an ordinance that regulates second dwelling units to the maximum extent allowable under State law. Conditions proposed by Council this evening are within the ambit of that layer of regulation. However, when applications meet the setbacks and all other conditions of the zoning ordinance, the City, under State law, can condition it but not deny it.

It was moved by Councilmember MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2003-2698 approving Conditional Use Permit No. 0548; Pool House/Second Dwelling Unit, with conditions #'s 1-9 and added conditions #10 and #11 – (Location: 10571 Wulff Drive; Applicant: P.J. Jahangiri):

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

6. Consideration of Conditional Use Permit No. 0549 for a Second Dwelling Unit – (Location: 9482 Mary Circle; Applicants: Sam and Anne Olson).

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting permission to modify an existing independent living space into a second dwelling unit by remodeling a bar into a small kitchen within the existing residence.

The subject property is located at 9482 Mary Circle and is in the E4 Small Estate zoning district. The lot area is approximately 28,000 square feet and surrounding uses are residential.

The applicant received prior approval for a remodel/addition to an existing residence. As a result of this remodel, the applicant has revised the plans to modify a planned bar area into a full kitchen. By remodeling the area into a full kitchen, the applicant creates a second independent living area within the main residence that, under the City's zoning regulations, is considered a second dwelling unit as it would contain a separate living space with its own sleeping quarters, kitchen, and bathroom.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with lot coverage, floor area, setback, and height requirements.

Staff recommended approval of the application.

Public testimony was given by the applicant, Sam Olson.

Councilmember McGowan stated that affordable housing is satisfied through granny flats in the City of Villa Park.

City Attorney Hampel stated that an alternative to granny flats would be some other housing program to meet the needs of all economic segments of the community.

Mayor Bell commented that when applications for accessory structures are received by the city staff in the future, it would be advantageous for the Council to be made aware of the applications as they are approved ministerially.

It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2697 approving Conditional Use Permit No. 0549 for a Second Dwelling Unit, with conditions - (Location: 9482 Mary Circle; Applicants: Sam and Anne Olson):

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

STAFF REPORTS:

City Manager:

Consideration of the July/August Edition of the City's Quarterly Newsletter.

City Manager Rodericks addressed the Council about the graphics and stories he would be adding and took suggestions from some Council members for future newsletter topics.

The City Council authorized the production of the July/August edition of the City newsletter.

City Attorney:

City Attorney Hampel provided information about Laguna Woods' Avigation Easement in favor of the operation of the Marine Corps Air Station covering military aircraft. When the military ceased to use the facility the City of Laguna Woods relinquished that avigation easement. There is not one in place now that would accommodate a civilian use of the facility.

Councilmember McGowan asked Mr. Hampel about the possibility of getting an avigation easement in Villa Park.

City Attorney Hampel responded that if we got an avigation easement in Villa Park, it would benefit the airport; Laguna Woods having one benefited the Marine Corps' use of the air station. When you relinquish it, a civilian benefit is precluded from using the facility. It would probably not help Villa Park to have one in preventing expansion or regulating the John Wayne Airport. It would be very expensive to try to acquire one.

City Attorney Hampel pointed out that the Taormina and Associates Refuse Franchise is on about its third draft and it should be available at the next Council Meeting, August 26, 2003. Mr. Hampel said he will present the pros and cons and the Council should be aware that they do not have to approve the new agreement.

City Clerk: No Report.

City Engineer:

1. Consideration of Proposed Parcel Map and Recreation Trail Realignment – 9571 & Mesa Drive.

City Engineer Repke reported that in 1978 the City Council adopted a Resolution vacating for roadway purposes the 40 foot wide Loma Street Right-of-Way between Mesa Drive and Canyon Circle. The following two reservations were made as a part of the vacation:

1. Reserve the Right-of-Way for utility, trail, and storm drain purposes; and
2. Reserved an access easement from Mesa Drive to the property located at 9571 Mesa Drive (The Brodsky property).

The trail easement between Mesa Drive and Canyon Drive is an integral and important part of the City Recreational Trail system as adopted in the City General Plan. The city staff and Council have been seeking funding methods to complete the City Trail system, including pursuit of various State and Federal Grant programs.

Mr. Kevin Carver has been in contact with city staff to express his interest in the purchase of 9571 Mesa Drive to subdivide the property into two parcels. The intentions and request of the Carvers as indicated in their letter dated July 9, 2003 are summarized below:

1. Purchase the property at 9571 Mesa Drive;
2. Purchase sufficient additional property from the adjacent parcel at 19201 Mesa Drive (the Fontanesi property) to add to the property at 9571 Mesa Drive and provide sufficient lot area to allow a subdivision into two parcels;
3. Request the City vacate the 40 - foot wide trail easement over the 9571 and 19201 Mesa parcels; and
4. Dedicate a new 15 - foot wide trail easement between Mesa Drive and the existing easement to the north.

City staff has reviewed the proposed concept and has the following findings, comments, and suggestions:

1. The proposed parcels meet the requirements of the City Code with regard to net area and lot dimensions;
2. A subdivision map will need to include all three parcels impacted by the Proposal due to the relocation of the west lot line of Parcel 3 (19201 Mesa Drive);
3. Staff can support abandonment of the existing trail easement over the existing two parcels, in exchange for the realigned 15 - foot wide trail, provided that a usable trail can be constructed over the proposed alignment;
4. Staff suggests that the existing utility and storm drain uses over the existing easement should be maintained;
5. Staff suggests that the improvement of the recreation trail to City standards be made a condition of the trail abandonment, relocation, and proposed subdivision;
6. A subdivision including Parcel 3 (19201 Mesa Drive) would usually require the construction of street improvements on Mesa Drive along Parcel 3. However, staff can support these improvements not being required at this time due to the minor involvement of this parcel;

7. The existing structure at 9571 Mesa Drive meets City Code setback requirements based on the existing and proposed parcel lines; and
8. Abandonment of the existing trail would take place after dedication of the new trail was complete.

Upon receiving input from the Council, the next step is for the applicant to file a Tentative Parcel Map. This application would be processed under the City Subdivision Codes and would require a Public Hearing and approval by the Council. Various conditions, as appropriate, would be placed on the subdivision approval. Once the Final Parcel Map has been recorded, which establishes the new lot lines and trail easement, the existing trail easement abandonment process would begin.

The Community Development Committee has reviewed the concept plan and is supportive of the proposal.

It is recommended that the Council review the concept being proposed and provide input and direction to the applicant prior to formal filing of a subdivision map. No formal action is required at this time.

Councilmember MacAloney asked City Engineer Repke how long the trail is from Mesa Drive to Canyon Circle. Repke responded about 700-800 feet long.

Mayor Pro Tem Bortle stated that she was in favor of following staff's recommendation to approve the final concept of the Parcel Map and Recreation Trail Realignment at 9571 and 19201 Mesa Drive.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve the final concept in support of the Community Development Committee's review of the proposal:

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

2. Consideration of Notice of Completion for Collins Avenue/Wanda Road and Loma Street Construction Project.

City Engineer Repke reported that the City awarded a construction contract to Ben's Asphalt, Inc. on August 27, 2002.

All contract work has been completed and accepted by city staff.

It was moved by Councilmember McGowan, seconded by Councilmember Freschi, and carried by the following roll call vote to accept the project, authorize the City Clerk to file the Notice of Completion, and authorize a final payment of \$31,664.75 to Ben's Asphalt, which includes the Retention amount, after completion of the 35 - day lien period:

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

OTHER BUSINESS: None.

ORAL COMMUNICATIONS:

Public testimony was given by Charles Bivens, representing the Bivens Family Trust, 10101 Center Drive. He expressed his displeasure with the manufactured home located at Windsor.

Mr. Bivens claimed that he never received public notice of the Variance granted in March 2003. He stated that he would be requesting a copy of all city documents for the 18262 Windsor Variance Permit No. 0485 and seeking legal counsel to assist him in seeking a reversal of any approvals.

Margaret Bivens, 10101 Center Drive. She expressed concerns about the height of the fence, the change of address from Center Drive to Windsor without public notification, and about the removal of trees from the property and removal of weep holes in the fence.

Belinda Bender, 18262 Evergreen Circle. Addressing Councilmember Freschi, she stated that she is hopeful that the project will in fact be followed according to the plans submitted to the Building Department and that if they are not followed the City will be able to intercede on behalf of the community.

City Attorney Hampel clarified the state law (Government Code Section 65852.3) which addresses manufactured homes.

Councilmember Freschi stated that proper public notice was given to the community and that nobody protested at the Public Hearing on March 25, 2003.

Mayor Pro Tem Bortle asked the public to not be angry with the Council members over an issue that is in the hands of the State of California.

ORDINANCES:

Consideration of Second Reading and Adoption of Ordinance No. 2003-496 Prescribing and Levying Charges For Maintenance of a Sewage Pumping Station For Fiscal Year 2003-04 Approving and Adopting Report and Providing for Collection of Charges On the Tax Roll - Tracts 10523 and 13204.

It is recommended that the City Council approve the Second Reading and adopt Ordinance No. 2003-496 prescribing and levying charges for maintenance of a sewage pumping station for Fiscal Year 2003-04, approving and adopting the report and providing for collection of charges on the tax roll – Tracts 10523 and 13204.

It was moved by Councilmember MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the Second Reading and adopt Ordinance No. 2003-496 prescribing and levying charges for maintenance of a sewage pumping station for Fiscal Year 2003-04, approving and adopting the report and providing for collection of charges on the tax roll – Tracts 10523 and 13204:

AYES: COUNCILMEMBERS: MacAloney, McGowan, Freschi, Bortle, Bell

NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS None

Councilmember MacAloney complimented City Manager Rodericks for his hard work in preparing a draft of the Five-Year Strategic Plan for 2003-2008.

RESOLUTIONS: None.

ADJOURNMENT:

It was moved by Mayor Bell and carried unanimously to adjourn the meeting at 11:25 PM.

Bob Bell Mayor
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park